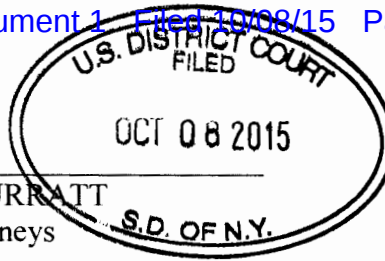


APPROVED: _____

ILAN GRAFF/ANDREA SURRATT
Assistant United States Attorneys



DOC # _____

ORIGINAL

BEFORE: THE HONORABLE HENRY B. PITMAN
United States Magistrate Judge
Southern District of New York

15 MAG

3625

UNITED STATES OF AMERICA

SEALED COMPLAINT

- v. -

Violation of 21 U.S.C. § 963

VINCENT GHAREMANI,
a/k/a "Vince,"

Defendant.

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL J. CONNOLLY, being duly sworn, deposes and says that he is a Special Agent of the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

(Narcotics Importation Attempt and Conspiracy)

1. From at least in or about March 2015 up to and including in or about October 2015, in the Southern District of New York and elsewhere, VINCENT GHAREMANI, a/k/a "Vince," the defendant, intentionally and knowingly did attempt to violate, and together with others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate, the narcotics laws of the United States.

2. It was a part and object of the conspiracy that VINCENT GHAREMANI, a/k/a "Vince," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, intending and knowing that such substance would be imported into the United States from a place outside thereof, in violation of Sections 812, 959(a), 960(a)(3), 960(b)(1)(B), and 963 of Title 21, United States Code.

(Title 21, United States Code, Section 963.)

The bases for my knowledge and the foregoing charges are as follows:

3. I have been a DEA Special Agent since 2009. I am currently assigned to the DEA Special Operations Division's Bilateral Investigations Unit, which focuses on international

criminal activities. During my time as a DEA Special Agent, I have become familiar with some of the ways in which weapons traffickers—and, in particular, individuals who provide weapons to drug trafficking organizations—operate, and have participated in investigations involving both international drug trafficking and illicit arms trafficking.

Overview

4. As set forth in greater detail below, between at least in or about March 2015, and in or about October 2015, VINCENT GHAHREMANI, the defendant, and an associate participated in a series of in-person meetings and telephone calls with individuals whom GHAHREMANI understood to be representatives of a Mexican drug trafficking organization. Those individuals were, in fact, DEA confidential sources. During those meetings and telephone calls, GHAHREMANI agreed to supply the drug trafficking organization with high-powered weapons, with the express understanding that those weapons would be used to protect large cocaine shipments as they traveled from and through Mexico for distribution in the United States.

The Investigation

5. Based on my conversations with a DEA confidential source (“CS-1”¹) and review of consensually recorded telephone conversations, I have learned the following:

a. In or around early November 2014, CS-1 was introduced to VINCENT GHAHREMANI, the defendant, in Miami, Florida. Over the ensuing months, CS-1 remained in contact with GHAHREMANI via a series of recorded telephone conversations. For purposes of this investigation, CS-1 posed as an associate of a Mexico-based drug trafficking organization (the “DTO”), who was engaged in narcotics and weapons trafficking.

b. Over the course of their early communications, CS-1 informed GHAHREMANI that the DTO needed weapons to protect the movement of illegal narcotics from Mexico to the United States. GHAHREMANI advised CS-1 that GHAHREMANI had an associate with close ties to weapons suppliers and that those contacts could potentially supply arms to the DTO through CS-1.

c. In or around March 2015, GHAHREMANI introduced CS-1, via telephone, to another individual (“CC-1”), whom GHAHREMANI described as an associate of GHAHREMANI’s based in Switzerland, who had direct contact with weapons suppliers. Over the ensuing weeks, CS-1 and CC-1 agreed to meet in Switzerland in April 2015.

April 2015: Meeting with CC-1 in Switzerland

6. On or about April 29, 2015, at the DEA’s direction, CS-1 met CC-1 in Zurich, Switzerland (the “April Meeting”). Multiple DEA agents conducted surveillance of the April

¹ CS-1 is a paid DEA source, who has been relied upon in multiple DEA investigations for approximately twenty years. During that time, CS-1 has proven reliable and CS-1’s information has consistently been corroborated by independent evidence, including other source information and audio/video recordings.

Meeting. From my review of DEA reports and conversations with CS-1, I have learned that the following occurred during the April Meeting:

a. CS-1 and CC-1 discussed a proposed high-volume weapons deal. CS-1 explained that the weapons were needed to protect shipments being transported from and through Mexico to the United States.

b. CC-1 described CC-1's weapons contacts as Russian arms suppliers who would only discuss the potential weapons purchase in person. Based on my training and experience, I know that illicit weapons dealers will often avoid telephonic and electronic communication, in an attempt to avoid law enforcement detection.

c. CC-1 assured CS-1 that CC-1's weapons contacts would ultimately help CS-1 acquire arms on the DTO's behalf.

d. CC-1 and CS-1 discussed a second meeting elsewhere in Europe.

June 2015: Meeting with GHAHREMANI and CC-1 in Rome

7. On or about June 24, 2015, at the DEA's direction, CS-1 and a second DEA confidential source ("CS-2,"² and, together with CS-1, the "CSs") met with VINCENT GHAHREMANI, the defendant, and CC-1 in Rome, Italy (the "June Meeting"). I and other DEA agents participated in surveillance of that meeting, which was audio and video recorded. From my conversations with the CSs, and my review of recordings and a draft transcript of the June Meeting, I have learned that the following occurred during the June Meeting:

a. CC-1 showed CS-2 at least one video of CC-1 firing what appeared to be an assault rifle.

b. CS-2 provided CC-1 with a list of weapons (the "Weapons List"), and explained, in sum and substance, that CS-2 and CS-2's associates (that is, the DTO) were "fighting the Mexican army," which was using U.S. manufactured vehicles as part of their effort to curtail drug shipments.

c. GHAHREMANI said that GHAHREMANI had a contact who could supply helicopters to the CSs.

d. CC-1 confirmed that CC-1 could deliver the "machines" that the CSs needed, and added that, for purposes of their discussions, the meeting participants should refer to the items as "machines." Based on my training and experience, I know individuals who illicitly traffic weapons and other contraband will often use coded language, in an attempt to avoid detection by

² CS-2 became a paid DEA source in early 2014 and has worked on several investigations. Since CS-2 became a paid DEA source, CS-2's information has proven reliable and has been corroborated by independent evidence, including other source information and audio/video recordings.

law enforcement.

e. CS-1 confirmed to GHAHREMANI and CC-1 that the CSs would be relying on GHAHREMANI and CC-1 to supply an end-user certificate for the weapons—in other words, that it would be GHAHREMANI and CC-1’s responsibility to provide documentation designed to make the illegal sale of weapons look legitimate.

f. GHAHREMANI expressed concern about what might happen if U.S. or Mexican authorities recovered weapons that GHAHREMANI or CC-1 had provided to the CSs’ associates from a particular potential supplier (the “Supplier”). GHAHREMANI stated in particular that, if the Supplier’s weapons were to be discovered, “then the issue is not DEA anymore, the issue is not going to be Homeland Security, the issue is going to be CIA, the issue is going to be NSA,” because of “the type of equipment.” Based on my training and experience, it appears that GHAHREMANI was explaining that, if the Supplier provided military-grade weapons to the CSs, the deal risked inviting greater scrutiny than typical drug-related weapons transactions.

g. CS-2 emphasized that CS-2’s associates (that is, the DTO) were looking to obtain weapons “to build a stockpile,” explaining “we make a lot of money out of it [that is, narcotics shipments], we need to protect the cargo. And these guys try to cut it out. That’s pretty much what it is.” GHAHREMANI interjected “Is all about money at the end of the day,” at which point CS-2 continued: “Exactly . . . Look, we ship our stuff to U.S. U.S. has the balls to come down there, they sent the Mexican Army to do its job, you understand? Because that’s what they do.”

h. GHAHREMANI and CC-1 provided the CSs with a weapons catalogue from a particular weapons manufacturer.

i. GHAHREMANI and CC-1 agreed to try and find suppliers for the items on the Weapons List. CC-1 noted, however, that CC-1 would not discuss the deal over the phone, so the parties would have to meet again in person. As noted above, see supra ¶ 6(b), illicit weapons dealers often avoid telephone communication, in an attempt to elude law enforcement detection.

July 2015: GHAHREMANI Sends Videos of CC-1 Test-Firing Weapons

8. From my review of a screenshot of text messages between CS-1 and VINCENT GHAHREMANI, the defendant, I know that on or about June 30, 2015, at the DEA’s direction, CS-1 requested a copy of the videos that CC-1 had shown at the June Meeting, see supra ¶ 7(a). GHAHREMANI replied: “Yes. Trying to put it as an email easier.”

9. On or about July 16, 2015, CS-1 received an email from VINCENT GHAHREMANI, the defendant, which contained four videos. Based on my review of those videos, it appears that they are in fact two videos and duplicate copies of those videos. The first video is approximately eighteen seconds long and appears to depict CC-1 firing a handgun on a firing range. The second video is approximately ten seconds long and appears to depict CC-1 firing a compact, high-powered assault rifle on that same firing range.

10. From my review of email obtained from the email account of VINCENT GHAHREMANI, the defendant, pursuant to a court-authorized search warrant, I know that, on or

about July 1, 2015, an email account that appears to have been controlled by CC-1³ sent an email to GHAHREMANI (the “Weapons Catalogue Email”). The Weapons Catalogue Email contained no text but included an attachment. That attachment appeared to be a pdf file of a weapons catalogue. The weapons catalogue was approximately twenty-eight pages and included semi-automatic rifles and handguns that are similar to those that were test fired in the videos described above, see supra ¶ 9. The weapons catalogue was from the same manufacturer as the weapons catalogue that GHAHREMANI and CC-1 provided to the CSs in the June Meeting, see supra ¶ 7(h).

August 2015: Meeting with GHAHREMANI and CC-1 in Spain

11. On or about August 20, 2015, at the DEA’s direction, the CSs met with VINCENT GHAHREMANI, the defendant, and CC-1 in Barcelona, Spain (the “August Meeting”). I and other DEA agents participated in surveillance of that meeting, which was audio and video recorded. From my conversations with the CSs, and my review of recordings of the August Meeting, I have learned that the following occurred during the August Meeting:

- a. CC-1 and the CSs discussed prices for the weapons that were being purchased. CC-1 indicated that the weapons’ initial price would reflect the suppliers’ desire to see if the CSs “were serious.” Both GHAHREMANI and CC-1 assured the CSs that they could arrange ammunition at the “cheapest [price] in the world.”
- b. CC-1 indicated that the weapons would be coming from Russia.
- c. CS-2 asked CC-1 if CC-1 could provide “RPGs” (i.e. rocket propelled grenades), indicating that such weapons were “extremely important.” CC-1 indicated that he did have access to those weapons. CS-2 then inquired about anti-tank weapons and CC-1 indicated that CC-1 and GHAHREMANI could provide a variety of anti-tank armaments.
- d. CS-1 stated that CS-2’s “people” (that is, the DTO) used the weapons the parties had been discussing “to protect the cocaine to go to the States.” CS-2 added that CS-2 and CS-2’s associates did not deal with “politics,” as they were “businesspeople,” noting that “the only thing that matters for us is our dope—that’s it. Our dope, our cocaine.” CS-2 later observed that Mexico did not have a problem with narcotics traffickers, explaining “our cargo don’t stay in Mexico, it goes to the U.S.”
- e. The CSs, GHAHREMANI, and CC-1 discussed different means of delivering the weapons.

September 2015: GHAHREMANI and CC-1 Confirm Weapons Supply

12. On or about September 3, 2015, at the DEA’s direction, CS-1 participated in a recorded telephone conversation with VINCENT GHAHREMANI, the defendant. From my review of that recorded telephone conversation, I have learned that the following occurred during

³ Among other things, the address for that email account consists of CC-1’s last name followed by a period followed by CC-1’s first name.

that call:

a. GHAHREMANI advised CS-1 that “we” (that is, GHAHREMANI and CC-1) had arranged for a “bank guarantee” to secure any deposit that was made on CS-1’s order. GHAHREMANI noted that GHAHREMANI considered such a precaution “necessary” for a “first deal.”

b. GHAHREMANI informed CS-1 that the suppliers with whom GHAHREMANI and CC-1 were dealing would deliver “it” (i.e. the illicit arms shipment) as close as possible to CS-1’s desired destination.

13. On or about September 4, 2015, at the DEA’s direction, CS-1 participated in a recorded telephone conversation with CC-1. From my review of that recorded telephone conversation, I have learned that the following occurred during that call:

a. CS-1 noted that GHAHREMANI had informed CS-1 that GHAHREMANI and CC-1 now had “one hundred percent” of CS-1’s order available. CC-1 replied “Yes, everything I have. Everything.”

b. CS-1 informed CC-1 that CS-1 would be meeting with “one of the associates of that group” (that is, the DTO) in New York to talk about funding for the transaction.

c. CC-1 and CS-1 discussed meeting again regarding the deal.

d. CC-1 emphasized to CS-1 that CC-1 had some “insurance” for a “machine” that CS-1 wanted to buy and, in particular, could provide a “bank guarantee” to ensure that everything could proceed “very, you know, legal . . . and without any problems.” CC-1 added that “All is guaranteed” and that he (CC-1) would “guarantee everything.”

14. On or about September 8, 2015, at the DEA’s direction, CS-1 participated in a recorded telephone conversation with VINCENT GHAHREMANI, the defendant, while CS-1 was in Manhattan, New York. From my review of that recorded call, I have learned that the following occurred during that conversation:

a. CS-1 advised GHAHREMANI that CS-1 was in Manhattan with CS-1’s associates and had an opportunity to discuss business with them. CS-1 noted that those associates were “ready to go ahead and proceed with the business we’ve been talking about,” that is, that the DTO had given CS-1 the go-ahead for the weapons transaction.

b. GHAHREMANI told CS-1 that, once CS-1 was ready, someone from CS-1’s organization could go to Russia to ensure that everything was satisfactory before proceeding with payment. Based on my training and experience, it appears that GHAHREMANI was advising CS-1 that it would be possible for CS-1 to have someone inspect the weapons before paying for them.

15. On or about September 8, 2015, at the DEA’s direction, CS-1 participated in a recorded telephone conversation with CC-1, while CS-1 was in Manhattan, New York. From my

review of that recorded telephone conversation, I have learned that the following occurred during that conversation:

a. CS-1 indicated that CS-1's "people" wanted to "take advantage . . . of having someone like you with this kind of equipment[] available."

b. CC-1 described the financial guarantee that GHAHREMANI and CC-1 were prepared to secure in connection with the "materials" that they were providing and emphasized that "if there is no material, there is no payment." Based on my training and experience, it appears that CC-1 was assuring CS-1 that CS-1 would only have to pay for the weapons if and when they were delivered satisfactorily.

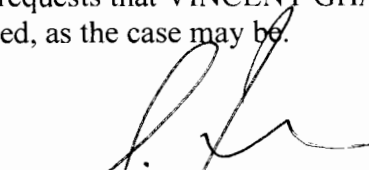
c. CC-1 informed CS-1 that "end-user certificate, license, everything is done."

d. CC-1 told CS-1 that it would be possible for the buyers to inspect what they were purchasing (that is, the weapons) in Russia prior to delivery. This was consistent with CC-1's earlier representations. See supra ¶ 14(b).

e. CS-1 noted to CC-1 that he (CS-1) was in Manhattan and asked CC-1 if CC-1 could join CS-1 in New York to explain the deal to CS-1's associates. CC-1 indicated that CC-1 could explain the deal to CS-1's associates in Europe but that he could not come to the United States for scheduling reasons.

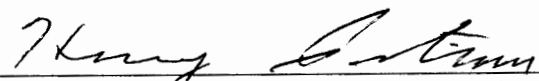
f. CC-1 asked to meet with CS-1 again to get a complete list of the "toys" (i.e. the weapons) that CS-1 had chosen, including "the model" and the "quantity." In that regard, CC-1 again emphasized that he and CC-1 had a "hundred percent of what [the CSs] wanted."

WHEREFORE, your deponent respectfully requests that VINCENT GHAHREMANI, a/k/a "Vince," the defendant, be imprisoned, or bailed, as the case may be.



MICHAEL J. CONNOLLY
Special Agent
Drug Enforcement Administration

Sworn to before me this
8th day of October, 2015



THE HONORABLE HENRY B. PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

V.

Vincent Ghahremani,
a/k/a/ "Vince,"

Defendant.

Criminal No. 15 793-02 (JMF)

POSITION OF DEFENDANT WITH RESPECT TO SENTENCING

Defendant Vincent Ghahremani pled guilty to Count 1 of a two-count Indictment, which charged him with participating in a conspiracy to import into the United States five kilos and more of cocaine, in violation of 21 U.S.C. §§ 963 & 960(b)(1)(B). The Presentence Investigation Report (PSR) calculates his Guidelines range to be 135 to 168 months, and the Probation Office recommends a sentence of 96 months. The Government has taken the position that a sentence below the stipulated Guidelines range is appropriate in this case.

Defendant Ghahremani has no objections to the factual statements and Guidelines analysis contained within the PSR. However, we request a sentence significantly below the recommended 96 months.

We are requesting a significant downward variance primarily on account of three factors:

(1) the severe hardship of the first ten months of his detention, which he spent in solitary confinement – without reason or cause – in the isolation unit of a maximum security prison in Spain; (2) the nature of this international weapons-to-protect-drugs operation, a Government-initiated sting that found a soft target in Mr. Ghahremani, but which did not result in the production of weapons or the appearance of cocaine (PSR ¶ 120); and (3) Mr. Ghahremani’s significant attempt at substantial assistance, meeting with Assistant U.S. Attorneys in this District for six lengthy proffer sessions. Above all, what drives the discussion of these and

additional mitigating factors is Mr. Ghahremani's personal history as a child in exile and the mechanism he developed to cope with his changed circumstances. He became a chameleon-like confabulator, who learned to regale his audiences with outsize tales of imaginary experiences and accomplishments, tales he told often enough that he came to believe them himself.

I. Legal Standards

The U.S. Sentencing Guidelines are no longer mandatory. *United States v. Booker*, 543 U.S. 220 (2005). Since *Booker*, the Supreme Court has stated unequivocally that 18 U.S.C. § 3553(a) governs sentencing decisions, and that the Sentencing Guidelines are an advisory resource. Stated succinctly, a sentencing court “may not presume that the Guidelines range is reasonable.” *Gall v. United States*, 552 U.S. 38, 50 (2007). The Guidelines are “the starting point and the initial benchmark,” but they are “not the only consideration.” *Id.* at 49. Upon initially calculating the applicable Guidelines range, courts “should then consider all of the § 3553(a) factors to determine whether they support the sentence requested by a party.” *Id.* at 49-50 (footnote omitted). Included among the many Section 3553(a) factors is the “mental or emotional condition” of the defendant. *Rita v. United States*, 551 U.S. 338, 364-65 (2007). The mitigating factors in this case counsel great leniency.

The offense of conviction carries a mandatory minimum sentence, but Mr. Ghahremani satisfies the factors to qualify under 18 U.S.C. § 3553(f) for relief from application of the mandatory minimum. PSR ¶ 6(d) & (h). We ask for a sentence equivalent to time-served.

II. 303 Days in Solitary Confinement Pending Extradition

For the last three months, I had been in solitary confinement 24 hours a day. . . . It's impossible to exaggerate how much the company of another human being means when you've been cut off from the world After two months with next to no human contact, my mind began to slip. . . . Of the 14 and a half months, or 9,840 hours, I was held as a political hostage at Evin prison in Tehran, I spent 9,495 of them in solitary confinement.

Sarah Shourd, *Tortured by Solitude*, N.Y. Times, Nov. 6, 2011, at Sunday Review 4.

Not unlike Iranian hostage Sarah Shourd, of the approximately 10 months (309 days), or 7,416 hours that Mr. Ghahremani was detained in prison in Spain, he spent 7,272 of them in solitary confinement. Of those 7,272 hours, not a single one was for a disciplinary infraction. After months with next to no human contact, Mr. Ghahremani suffered tremendously and his already significantly diminished capacity to distinguish fact from fiction intensified.

During his solitary confinement, Mr. Ghahremani was permitted to send two letters a week to his family. He divided them between his wife in the United States and his parents in Norway. Many of his letters the prison apparently never sent; some of his letters the prison officials simply returned to him. A few reached their destinations.

Mr. Ghahremani's wife Yvonne Stam saved the letters and provided four that give details of his confinement but are not too explicitly personal. (For purposes of authenticity, we note that three of these letters have the Spanish prison stamp indicating that prison officials reviewed them; the other one does not bear the stamp, as one of Mr. Ghahremani's Spanish attorneys brought it out of the prison, but in her letter to this Court Ms. Stam attests to providing them to undersigned counsel. They are attached as Exhibit A, and the originals will be handed up to the Court on the day of sentencing.)

I include immediately below excerpts of these letters to illustrate the conditions in isolation, Mr. Ghahremani's contemporaneous state of mind, and his devotion to and longing for his daughter (hereinafter referred to by her middle initial "A"), who was three going on four years old at the time. (Mr. Ghahremani communicates in English with his wife, as his English is better than his Spanish; spelling and linguistic errors are copied exactly as they are found in the originals.)

"I was kind of looking forward to see you here, but as Carmen [his Spanish attorney] explained, maybe it's the best that you stay in the USA for now and take care of "A" and etc." (Ex. A, p. 1)

"Darling, I have sent you 3 letters, (4 with this one) I don't know if you receive them or not! regardless, I write you and "A" [his daughter] letters every day, but I am allowed max 2 letters, open per week. And my pen is broken, as in the isolation you can not have a whole pen." (p. 2)

"I am limited to two letters a week, and I send you and my father on weekly basis." (p. 7)

"I just got 8 letters returned, 2 for my parents and 6 for you. No reasons given, but I will try to send them once more." (p. 3)

"I am strong, but having a family and not being able to see them, talk to them is driving my nuts. Twice I was ready to finish it off, but I can not do that to my family who has suffered enough for me." (p. 1)

"Every time, I remember her face [his daughter's], I explode to tears, and I cry til I pass out. The same when I close my eyes, and think of something nice I imagine us, you, me, "A" and rest of the family together, I fall into a sleep thinking of nice things, and wake up in the middle of the night with cold sweats, seeing "A" kissing me goodbye . . . it's a nightmare almost every night." (p. 1)

"Truth is everytime, the name of "A" is mentioned, my eyes gets filled with tears, and I can not stop crying. Thinking of her smile, her gestures, her being in our life is keeping my alive in this moment." (p. 1)

"Being in Isolation without media, TV, Radio, Books and not being able to talk to you is killing me slowley, but surely." (p. 2)

"As you know I am in solitary and isolation, so I do not see anyone nor communicate with anyone, but this is the hardest regime inside the maximum security, not even the worse once [sic] stay more than 30 days inside like I do, but I guess I can say I am exceptional, even in this form." (p. 6)

"Let me explain you a bit about solitary and isolations. This is normally enforced on prisoners who has bloody fights with knives, taking hostage or worse. They apply it for 72 hours til 14 days. I am here for two month. No communications, no activity, no razor or pills in the room. No can, or plastic. Basicly not even proper place to sleep on. This is hardest punishment in peniticiary rules in Spain, so just for you to know what is going on with me a bit. If I am angry, yes I am furiose and being inside like this makes me worse." (p. 3)

"Being locked in a block of cement, and cement x concrete being a form of sponge absorbing everything. It turns on you and this place transforms you, from good to bad

and your thoughts to hatred. In some point you reach a point that you don't care anymore. The prison itself and its structure effects you, not having any quality, no sun, humidity finally your brain starts adapting and you become more angry, more hateful and more aggressive human being. Many give up the fight and become unfit for outside society, others plan, and few dies in here. I belong to second category and surely I won't give up, nor would I go down without a fight." (p. 5)

"When I am fed up, I look at her [his daughter's] pictures and remind myself what I have to live for, and surely and rapidly I get back to myself." (p. 6)

"I am just writing this now as I don't even know if I will even wake up tomorrow. My heart and blood pressure is 141 over 8 [sic] and pain in my chest every day. As doctor comes once a month and there are lots of addicts, sick with AIDS, Hepatitis B & C people are more urgent to be attended, Doctor will see me when it's suitable for him." (p. 4)

"I feel like I am dying in here. Seriously I am not trying to exaggerate. It's hard in isolation." (p. 8)

"They also told me that they won't take me to better blocks or out of isolation and actually the wardens told me, a lot is depended on the attorney and how they work, as they have had heavy criminals for extraditions and their lawyer moved differently and managed to put them in a very good, open blocks with activities and etc. I start wondering if Jesus & Carmen [his Spanish attorneys] for the money they charge, they actually can manage anything." (p. 10)

"I hope all is well under these special circumstances, and honestly the only thing I look forward to is the next visit I will have. Life is getting harder, and wardens less sympathetic everyday." (p. 9)

"It's always good to see Romano [the youngest of his four stepchildren and the only one then living in Spain] everytime he comes. He is so positive and happy that it really helps my mood, as being locked up, specially in this special isolation-solitary form with no human contact or interactions of any form, and no access to neither gym nor any other activities of any kind." (p. 9)

"Everyday I think about "A" and think of all the time I could have spent with her and done things with her. Right now this feeling is what bothers me most and I kiss her pictures every morning and tell her that I am so sorry for have missed out on her and deep down in my heart I ask her for forgiveness and hope she will forgive me one day, I also tell her that I love her everyday, and kiss her good night. I strongly believe that she is also the reason that I have stayed alive so far even they have tried hard to break me here." (p. 9)

"Tell "A" I love her and if something happens to me please tell her that I always thought of her and loved her and I try to keep myself live thinking of her." (p. 4)

“I wanted to use this opportunity and let you know that I do appreciate you being part of my life and actually along with “A”, my actual life.” (p. 6, emphasis added)

Vincent Ghahremani, excerpts from hand-written letters to his wife Yvonne Stam, from Estremera VII Prison, Madrid, Spain, 2015 to 2016, attached as Exhibit A.

III. 18 U.S.C. Section 3553(a) Factors

Pursuant to 18 U.S.C. § 3553(a), this Court may sentence Mr. Ghahremani below the recommended Guidelines range based on his history and characteristics, the nature and circumstances of the offense, and the need for the sentence imposed, taking into account the impact 10 months in solitary confinement had on him. In particular among these factors, Mr. Ghahremani asks for sentencing leniency on account of (1) the solitary confinement he endured in Spanish maximum security facilities; (2) the nature of the “sting” operation that sought him out and played on his psychological vulnerabilities; (3) his serious attempts at substantial assistance, attending six lengthy proffer sessions; (4) family circumstances and responsibilities given his separation from his young daughter and his parents’ fragile state of health; and (5) the post-sentencing circumstances he will face in U.S. prison as an alien both ineligible for early-release programs and, upon release from his criminal sentence, likely immigration detention.

In setting forth below Mr. Ghahremani’s personal history and the circumstances surrounding the offense, we are mindful of the Second Circuit’s recent opinion reminding sentencing judges to have an understanding of the “diverse frailties of humankind.” *U.S. v. Singh*, 877 F.3d 107, 121 (2d Cir. Dec. 12, 2017) (“While there are many competing considerations in every sentencing decision, a sentencing judge must have some understanding of ‘the diverse frailties of humankind.’”) (citation omitted). If judges are to have such an individualized understanding of each defendant appearing before them, then it is the responsibility of the defense attorney to make known what there is to know. Not seeking in any

way then to minimize the seriousness of narcotics-trafficking generally, I aim a spotlight directly on the shortcomings and character flaws of Mr. Ghahremani – a crowd-pleaser full of bull and bluster – which both led him to become an easy but ultimately fruitless target of this “sting” operation and exacerbated his suffering while held in solitary confinement.

A. Defendant’s History and Characteristics

Defendant Alireza Ghahremani was born in November 1972 in Iran, seven years before the Revolution. Ex. B (copy of the identification page of his passport). According to Mr. Ghahremani, his father is of Armenian and Eastern European Jewish descent and his mother is devoutly Catholic and of Italian and Persian descent. His father studied and worked for a time as an engineer in Germany and when he returned to Iran, he met and married his wife and they had Alireza (now Vincent), their only child.

1. A Chameleon in Five Languages

Language brings with it an identity and a culture, or at least the perception of it. A shared language says “We’re the same.” A language barrier says “We’re different.”

....

As a kid I [the South African-born comedian Trevor Noah] understood that people were different colors, but in my head white and black and brown were like types of chocolate. Dad was the white chocolate, mom was the dark chocolate, and I was the milk chocolate. But we were all just chocolate. I didn’t know any of it had anything to do with “race.” I didn’t know what race was. My mother never referred to my dad as white or to me as mixed. So when the other kids in Soweto called me “white,” even though I was light brown, I just thought they had their colors mixed up. . . .

I soon learned that the quickest way to bridge the race gap was through language. . . . I learned several languages [English, Xhosa, Zulu, German, Afrikaans, Sotho, Tswana] . . . [and] I saw how [my mother] used language to cross boundaries, handle situations, navigate the world.

I learned to use language like my mother did. I would simulcast – give you the program in your own tongue. I’d get suspicious looks from people just walking down the street. “Where are you from?” they’d ask. I’d reply in whatever language they’d addressed me in, using the same accent that they used. There would be a brief moment of confusion, and then the suspicious look would disappear. “Oh, okay. I thought you were a stranger. We’re good then.”

It became a tool that served me my whole life.

....

I became a chameleon. My color didn't change, but I could change your perception of my color. If you spoke to me in Zulu, I replied to you in Zulu. If you spoke to me in Tswana, I replied to you in Tswana. Maybe I didn't look like you, but if I spoke like you, I was you.

TREVOR NOAH, BORN A CRIME 49, 54-56 (Spiegel & Grau 2016).

In his first few years, Vincent spoke Farsi at home, some Italian with his mother's family, and French with his classmates at the Christian French school he attended in Tehran. According to Mr. Ghahremani, he made it through the first grade in Iran, before he and his parents fled to Norway in June 1979, four months after the collapse of the Shah's regime and the revolutionary take-over. In Norway, his father worked as an engineer building an airport and his mother took care of Vincent.

In Fredrikstad, the town where they settled about 90 kilometers southeast of Oslo and near the border with Sweden, Vincent repeated the first grade and quickly learned and spoke Norwegian like a native. He had to. He was a Mediterranean-complected boy in a snow-white country. He was, as Trevor Noah might have said, "off-white chocolate" to their "pure white."

While more cosmopolitan now, back in 1980s Norway there were very few who resembled Vincent and his parents, and fewer still in the town of Fredrikstad. According to Mr. Ghahremani's (Dutch-born) wife, Yvonne Stam, in her letter to this Court:

[Vince] knew how to fit in, and I think this goes back to his childhood in Norway. It was a relatively impoverished and provincial country then (not yet rich from oil and gas revenues), a nation of reserved blue-eyed blonds unused to outsiders. Vince, a short, chubby boy from Iran, had to earn a place for himself in this strange new home. His solution was to make sure he used everything at his disposal to be the warmest, brightest star in the room.

Letter of Yvonne Stam, Ex. C, p. 2 (original in English). Vincent quickly learned to bridge the cultural gap and to shine brightly by using the Norwegian language to cross boundaries and navigate the world. Vincent's parents did not fare so well. According to Mr. Ghahremani, in

1986, unable to assimilate and desperately missing family, his parents returned to Iran, but not before dropping him off at a boarding school in Switzerland.

More Dickensian than “Sound of Music,” Vincent then almost 14 years old was miserable at his bilingual French-English boarding school in Neuchatel, outside Lausanne. Even though his parents had left money with Armenian-French acquaintances living in nearby Geneva, to look after their boy on his weekends away from the school, in Vincent’s then-state of mind – exiled and abandoned – he felt that this local family grievously neglected and even mistreated him. It was, as he says, the “worst, worst time of my life and I have never forgiven my parents for that.”

After one year in Switzerland, he states that he returned on his own to Fredrikstad, Norway, where he became a voluntary Ward of the State. The State settled him with a foster family, whom he says he loved tremendously, until the age of 16 when he aged out of the State foster-care system. He says that he moved to a studio apartment on his own, received a monthly stipend from the government and that he worked Thursday to Saturday during the 4:00 p.m. to 10:00 p.m. shift as a restaurant busboy for about a year and then at a clothing store, to make additional money for food, clothes and school.

Mr. Ghahremani attended high school in Norway from 1987 to 1991. *See* Ex. D (a page of school records indicating attendance years and courses). If not before, it was certainly during this period that Vincent became very adept at languages, studying Norwegian, English and French at school (Ex. D), and picking up quite a bit of Swedish on the streets as Fredrikstad was near Norway’s southeastern border with Sweden.

Not unlike the now-internationally famous comedian Trevor Noah who grew up half a world away in South Africa, Vincent became a linguistic chameleon. If he could not change his

complexion, he could change one's perception of his complexion. If locals spoke to him in Norwegian, he replied to them in Norwegian. If neighboring Swedes spoke to him in Swedish, he replied to them in Swedish. Maybe he did not look like them, but if he spoke like them, he was them. It became a tool that served him well, up until his involvement in this conspiracy.

After high school, Mr. Ghahremani says that he served for 15 months in the Norwegian Navy, following which he attended college in Oslo and then, under the auspices of the Navy, he continued his studies to be eligible to work for the equivalent of Norway's Department of Homeland Security. There, he says he worked for several years as an office analyst and as a translator and interpreter for Iranian refugee cases.

According to Vincent, by this time his parents were back in Norway having managed again to leave Iran, but he refused to ever again live with them as he was still angry that they sent him on his own to Switzerland. He visited and shared meals with his parents several times a week, but it would be years before he was able to re-establish a deep, loving relationship with them. First, he had to re-invent himself.

2. A Confabulator in Seven Languages

It was getting late when we left the restaurant. Ms. [Tonya] Harding stood under an awning in front of her truck and took a puff off her inhaler. . . . A lot of what she said [during our interview] wasn't true. She contradicted herself endlessly. But she reminded me of other people I've known who have survived trauma and abuse, and who tell their stories again and again to explain what had happened to them but also to process it themselves. The things she said that were false – they were spiritually true, meaning they made her point, and she seemed to believe them.

Taffy Brodesser-Akner, *There's Still Nowhere to Run*, N.Y. Times, Jan. 14, 2018, at AR14.

In 2005, around the age of 33, Mr. Ghahremani made his way to Marbella, Spain, an upscale resort on the southern coast of Spain. According to his wife who has lived there for 30 years, "Marbella is a melting pot – old and new money, aristocracy and oligarchs, where people

from all over the world and all sorts of backgrounds come to find a life of relaxed informality combined with extensive business opportunities in a climate of year round sunshine.” Ex. C, pp. 1-2. In other words, it was the perfect place for obfuscation and reinvention.

Not unlike Tonya Harding, by the time he reached Marbella, Mr. Ghahremani had become very adept at telling and re-telling stories, to himself and others. He started by discarding his Iranian name “Alireza” and became “Vincent.” (He says that his mother gave him the middle name Vincenzo at birth.) And then he whitewashed over his past, the uprooting from Iran, the lonely “otherness” in Norway, the parental abandonment in Switzerland. Eventually, when people asked his nationality, he told them what he thought they might prefer to hear. As his wife has written in her letter to this Court:

When I met Vince for the first time (in Marbella, Spain in the spring of 2007), he mentioned that his background was half Lebanese, half Italian. When I discovered a little later that he was in fact Iranian, he was upset and embarrassed. He explained that he had had a difficult childhood as a result of being Iranian and coming from a country with such a troubled recent history. I could understand this – most of the Iranians I had met in the past would call themselves Persians – but it was the first indication for me that Vince liked to work with his own version of reality, not just for appearances and effect, but for his own sense of well-being.

Ex. C, p. 1.

By now comfortable in Farsi, Norwegian, English, French, Swedish and Italian, he quickly picked up Spanish and was able to mix easily with virtually any group of locals and expats he came across in a bar or café in the trendy Mediterranean melting-pot that was Marbella. According to his wife, “[i]n Spain if you just buy a drink for someone in a bar they will listen to you, and Vince fitted right in.” Ex. C, p. 2. Vincent would regale anyone he met with stories and one-up them, no matter the subject: “I learned to tolerate and even enjoy how he mixed reality and fiction, always playing with the benefit of the doubt,” his wife has written. *Id.* “If someone had a bee sting, he’d recently been bitten by a poisonous snake; if there was a storm

coming up, he'd been in Thailand during the Tsunami." *Id.*

In his book, Noah describes how he and a few friends organized huge outdoor dance parties in Soweto, Noah acting as DJ and thus, effectively, the center of attention and admiration. Similar to Noah here as well, Vincent eventually learned to become the focus of attention, the life of the party almost wherever he went, as he moved from Norway to Spain and eventually to the United States. In his letter to this Court, Mr. Ghahremani's (Dutch) brother-in-law Alexander van Hemert has written:

[When] I met Vincent for the first time [in Spain] [] I must admit that my first impression was one of amazement. As I am a very much down-to-earth, sober and just a hard working family man this Vincent was a sort of larger-than-life character, like I had never seen before. He is the type always impeccably dressed, perfectly groomed, driving a nice Maserati sportscar, acting perfectly at ease with everyone, joking, laughing (over himself mainly), full of stories and with a burning ambition.

Being around Vincent is (or 'was' then) as being in a movie scene where Vincent is the lead actor and the movie is sort of a modern day 'Great Gatsby' (Vincent being Gatsby of course).

Letter of Alexander van Hemert, Ex. E, p. 2 (original in English). Mr. Ghahremani in fact had dreams, and harmless delusions, of being an actor and among his favorite films were American gangster pictures:

Once during a trip to Morocco, we [Mr. Ghahremani and his wife] met a film producer, who was about to start filming a movie. Vince campaigned with all his considerable energy and charm for a part in the movie, playing the "baddie" and the producer agreed. Due to the political situation in Morocco, the film did not get made, but Vince mentioned that it was his dream to become an actor, and believed he could be a star. I believe it was the most honest thing he ever said to me.

Letter of Yvonne Stam, Ex. C, p. 1.

3. Becoming a Real Estate Broker, Developer and Entrepreneur

Mr. Ghahremani instead became a real estate broker, developer and entrepreneur. In Marbella, Mr. Ghahremani landed a job with a real estate company as a Sales Director for foreign buyers from Britain and Scandinavia. Eventually, he started his own small real estate

project management company, finding investors and buying and selling lots for commercial development, earning sales commissions as well as fees from construction companies for overseeing their projects. In addition, as the real estate market declined in Spain in 2009, Mr. Ghahremani focused more of his attention on an on-line payment processing company he had started a few years earlier, Alpha Capital Group, which he continued to run when he moved to the United States.

By all accounts, he was very successful in Spain, but he wanted something more. He wanted to be #1 in the #1 country in the world:

[Marbella] suited Vince's personality – he was gregarious, energetic and generous, dedicated to helping people get ahead – whether his investors, his clients, or just some waiter in a restaurant who might ask his advice. In the process, Vince achieved his own dream of becoming a successful businessman, and a respected member of the community. But Vince had his sights set higher – his heart was set on a new life for us and our newly-born daughter in the United States.

When we applied for the investor's visa to move to the USA, I noticed that he was really focused on doing everything correctly and by the book. He was committed to living the American dream. He thought it was the best country in the world, and he was happy to have the opportunity to move there as an investor, even though this meant we had to come up with one million dollars to get the visa, and spend nearly two years on the paperwork. For him, this was a small price to pay for a new life.

Letter of Yvonne Stam, Ex. C, pp. 1-2.

4. Re-Establishing Himself in the United States

In 2013, Mr. Ghahremani, his wife and their one-year-old daughter moved to Miami, Florida where he helped his stepdaughter start up a business (see the photo of the ribbon-cutting ceremony for the opening of Vixi Gelateria with Mr. Ghahremani, his stepdaughter and the Mayor of Coral Gables, as well as a photo of his daughter eating ice cream from a "Vixi" cup, attached as Exhibit F). According to his wife, "[f]rom day one after moving to Miami (in 2013), Vince started making new friends. Everyone seemed interested in his stories, and everyone

thought of him as a good guy.” Ex. C, p. 2.

In January 2015, when his stepson Francisco came to live with them in Miami, Mr. Ghahremani bought a car dealership for him to manage. (Upon his arrest, the car dealership was assigned to new operators.) Ex. G, p. 1. According to his stepson:

Living with Vincent for about ten months gave me an inside and direct understanding of his personality and of the way he conducts himself. Vincent is smart, funny and generous. He has a way of captivating people with the way he expresses himself and by the stories he tells and fabricates. He’s worldly cultural and speaks many languages. He has very good qualities and has used them to his advantage.

....

The problem is that Vince is extremely narcissistic. In addition to being a narcissist, he is very creative and can invent and make believe he knows much more than what he really does. Vince speaks of himself with self-admiration and is completely self-absorbed. He’ll tell you he knows everyone of influence, knows of every business, has already done it or knows of someone that can help with whatever business you’re in or venture you have in mind. Whatever the circumstance, he will never say – “I don’t know, or I can’t help you with that”. Some people that meet him for the first time are amazed and trust what he says.

Letter of Francisco Rodriguez, Ex. G, pp. 1-2.

B. Circumstances of the Offense

“There is no there there.”

Bret Stephens, *Devin Nunes’s Nothingburger*, N.Y. Times, Feb. 3, 2018, at A19 (quoting Gertrude Stein).

1. Too Good to Be True

In Florida, with his attractive and successful family – an accomplished European wife, a stepson who was a tennis professional turned businessman, a stepdaughter who ran an organic European gelateria in an upscale neighborhood, as well as an adorable one-year-old daughter – Mr. Ghahremani wined and dined potential business and real estate investors (his own “targets”) and he in turn was wined and dined. *See* Letter of Yvonne Stam, Ex. C, p. 2; *see also* Ex. H (family photos).

In the course of his successful Miami dealings, he met bankers and accountants, and just as he regaled his social acquaintances, he told them tales and outright lies of the rich and famous European and Latin American stars he knew, and assured them that he would bring clients their way. According to his wife, “[h]e wow’d everyone, he seemed so funny, so smart, he knew a little about everything, and people thought maybe they could make money from or through him.” Ex. C, p. 2. But Mr. Ghahremani got caught up in his own story-telling, eventually becoming almost insufferable to those closest to him, particularly his wife who has written that “he became more and more ‘the man’, to the point that it was nearly impossible to have a normal conversation with him, as he knew it all. This side of Vince’s character was not new to me, but it became more difficult to live with.” *Id.*

After a long run, the jig was soon up. Someone within this Miami entourage – he believes it was a wealth manager at a bank – thought he recognized a con artist when he met one, and reached out to federal law enforcement. “Vincent Ghahremani” was simply too good to be true.

2. Baiting a Soft Target

It is an accepted – and valuable – craft of the trade that law enforcement officers, undercover agents, as well as their confidential informants, may make up tales when trying to lure in targets. They met their match in Mr. Ghahremani, who was a master of tale-telling and one-upmanship.

A DEA-directed confidential informant got himself an introduction to Mr. Ghahremani and, after a couple of meetings, he managed to pique Mr. Ghahremani’s interest in a possible weapons deal. Once hooked, Mr. Ghahremani assured the informant that he was the guy, he could get it done, he could get anything done.

Mr. Ghahremani had no background in the weapons industry, but years earlier he had met someone, apparently at an airport in Switzerland as they waited for a flight to Spain, whom he heard speaking Farsi. Mr. Ghahremani – always eager for conversation and a chance to tell his stories – went over to him. They chatted in Farsi and exchanged contact information. Later, according to Mr. Ghahremani, he and this other ex-pat Iranian, Fardad Rahimi, opened a water-purification operation in Spain. The business failed in short order. But Fardad Rahimi, Mr. Ghahremani remembered, had worked at an arms company in Switzerland. Mr. Ghahremani, deal-maker extraordinaire, gave the confidential informants Mr. Rahimi's contact information. PSR ¶¶ 15-16.

The confidential informants met alone with Mr. Rahimi in April 2015, and then together with both Mr. Ghahremani and Mr. Rahimi in June 2015. PSR ¶¶ 17-29. At this second meeting, as his co-defendant discussed weapons sources, Mr. Ghahremani who had nothing to offer in the way of weapons one-upped him by telling the confidential informants that he had a contact who could supply their helicopter needs. PSR ¶ 23. Mr. Ghahremani did not have any contacts to helicopter suppliers. Why say such a thing? Then Mr. Ghahremani said that he could get end-user certificates to make the illegal sale of weapons look legitimate. PSR ¶ 25. He could not. Why say such a thing?

According to Mr. Ghahremani's brother-in-law Alexander van Hemert, a lawyer in The Netherlands married to Mr. Ghahremani's wife's sister, this type of parry and one-upmanship had become more and more frequent, and disturbing, around the time that Mr. Ghahremani was moving from Spain to the United States. In his letter to this Court, Mr. van Hemert has written:

Before leaving for the USA I met Vincent on three occasions that year, and by then, both me and my wife, were growing more and more 'concerned' as to his conduct. From the initial amusement at his grandstanding we – over the years – realized Vincent showed a pattern of non-realistic behavior; it was obvious that he was 'lying' frequently. I say

‘lying’ by lack of a better word but actually I would need another word to describe his demeanor. The best I can do to explain is give examples. On an occasion I met him after telling him earlier that I accepted an assignment at a company called “Oceanteam” (a Norwegian stock-listed family business in shipping and offshore). Upon meeting him he told me that I should be aware that one of the employees, a mr Lex van Doorn, was known to Vincent as being untrustworthy, Vincent said “..he knew him..”. Fact is that Vincent did not know mr Van Doorn and it is something he just concocted by googling Oceanteam, picking a name from the website, and telling me this ‘fake’-info. Why? I have no clue, that is .. at that time I had no clue.

Other example: we were sitting down, chatting and came upon 9/11 as a topic, reminiscing what we were doing at the time the television showed the horrific events taking place. After listening to our recollections Vincent told us he was driving by the Pentagon when the plane downed there. He was most certainly not there at that time! Why tell the story? Amazed me then. Another one: I told him one of my colleagues from Norway served in the navy. Vincent told me has [sic] was in the secret services in Norway. He was not. Why?

These are random examples of a comportment that became visible as structural to us. At first I thought it was mere ‘bragging’, then I concluded this to be the result of an inferiority complex combined with an attention disorder of some kind. After reading about narcissic [sic] behavior I tend to the latter but I am by no means an expert and cannot express a well founded opinion.

Clearly however it is this behavior that has landed Vincent in his current predicament.

Letter of Alexander van Hemert, Ex. E, pp. 2-3.

According to his stepson, living with him during the time of the conduct underlying the conspiracy charge:

[I]t seemed to me that the Miami life-style, his success in business and his self-infatuation made his narcissistic behavior worse. He idolized Italian mobster stories, martial-arts movies, and frequently impersonated movie characters. He regularly made believe he was someone else. I think he was just not able to differentiate reality from his made-up world and his narcissistic behavior prevented him from seeing consequences that led him to the situation he’s in now.

Letter of Francisco Rodriguez, Ex. G, p. 2.

Over the course of one year, the confidential informant and his partner, and Mr.

Ghahremani and his co-defendant Mr. Rahimi, negotiated and *re-negotiated* the weapons deal,

particularly as Mr. Ghahremani and Mr. Rahimi could not really get any weaponry. The confidential informants at the direction of the DEA agents told tales about their connections to Mexican cartels and about the drug caches that these weapons would protect, and Mr. Ghahremani told tales about his own business connections across the globe. Mr. Rahimi provided a weapons catalogue and a video of himself at a shooting range in Switzerland, which Mr. Ghahremani forwarded to the confidential informants. PSR ¶¶ 28, 30-32. On November 10, 2015, after two more meetings in furtherance of the conspiracy – in August and November – and after a year of lying on both sides, Mr. Ghahremani and his co-defendant were arrested in Barcelona. PSR ¶¶ 17-53.

Law enforcement had hooked Mr. Ghahremani early on, so perhaps they continued the charade so long in the hopes of finding some criminality apart from the fictitious weapons-to-protect-drug-shipments deal. Perhaps they were hoping for introductions to real weapons traffickers. Whatever the reason for keeping the conspiracy going from 2014 to 2015, in the end, there was nothing there there. Nothing but a man full of bluster, a loud-mouth boaster and name-dropper, who told stories of gold spun from whole cloth, who in so doing wrote his own ticket to prison.

3. Post-Offense Circumstances

As recounted above, Mr. Ghahremani spent the next 10 months in solitary confinement. His wife back in Miami was pulled from her home into the street and forced to the ground at gunpoint as law enforcement agents broke open walls and otherwise ripped apart her house looking for illegal drugs, weapons and money following Mr. Ghahremani's arrest. Ex. C, p. 2. Mr. Ghahremani's then 79-year-old father suffered a non-fatal stroke when he heard the news. *See* Ex. I, Letter of Kiyanoush Jalilvand Rad (Mr. Ghahremani's mother). Mr. Ghahremani's 79-

year-old mother became depressed and despondent and fears she will not see her son again, as both she and her husband are too frail to travel to the United States. *Id.*; *see also* Ex. J (photos of a young Mr. Ghahremani with his parents). His now six-year-old daughter remains confused as to why she cannot see her adored father; why he does not come home; and why she can never call him on the phone when she wants to talk to him, but must wait for him to call. *See* Ex. E, p. 3 & Ex. G, p. 2.

Fairly quickly following his extradition to the United States, Mr. Ghahremani made it known to the government that he was interested in pleading guilty and cooperating with law enforcement. He met on six occasions with Assistant U.S. Attorneys and their agents, with his counsel in attendance. As all present would attest, they were not easy sessions. Mr. Ghahremani had to be continually re-focused. It is our understanding that had his co-defendant gone to trial, the Government was prepared to have Mr. Ghahremani testify, but this circumstance never came to pass. In the end, Mr. Ghahremani made the best effort that he could at substantial assistance and, in return, the Government though unable to use any of the information provided will take the position at sentencing both that the mandatory minimum sentence does not apply and that a sentence below the stipulated Guidelines sentence is appropriate in this case. PSR ¶¶ 6(h) & (j), & ¶ 120. We believe that case law supports the Government's position. *See, e.g., United States v. Tann*, 332 F. App'x 674, 2009 WL 1605124, *1 (2d Cir. 2009) (noting that the District Court "substantially credited" defendant's plea for a lenient sentence because of "his attempted cooperation with law enforcement authorities after his arrest"); *United States v. Stathakis*, 320 F. App'x 74, 2009 WL 932582, *2 (2d Cir. 2009) (noting that the District Court took "attempted cooperation into account when it imposed a below-Guidelines sentence based on his attempted cooperation").

C. Need for the Sentence Imposed

Mr. Ghahremani spent 7,272 hours in solitary confinement, not a single hour for a disciplinary reason. He has spent an additional approximately 539 days detained. In solitary confinement he spent most of the time without anyone with whom to hold a meaningful conversation or exchange of ideas, deprived of adequate food, sleep, exercise and camaraderie. Mr. Ghahremani does not need additional time for deterrence.

Nor does he need additional time in custody for the protection of the public. Mr. Ghahremani has no prior arrests, let alone convictions. He has no violence in his history nor during the course of this offense. The likelihood of recidivism for an offender such as he, with no criminal history points, a college education, married/divorced, employed, no drug use, and his age at sentencing (now 45) is by some measures very low, and by other measures exceedingly low at 6.9%. *See generally* Ex. K, Excerpts from two U.S. Sentencing Commission Reports (and *see* page 28 of 38 specifically for the 6.9% figure).

Nor does Mr. Ghahremani need additional time in prison for educational training, to which he is likely not entitled anyway as an alien to be deported. Mr. Ghahremani has been a productive member of society since he was 16 years old working as a busboy and at a clothing retail store and, as an adult, he has demonstrated a strong work ethic, business acumen, flexibility and skill. Moreover, he has been leading educational classes while detained at MDC-Brooklyn. *See* Ex. L, MDC Certificates of Completion of Courses as a Tutor, among other Certificates.

The only purpose for continued incarceration is punishment, and Mr. Ghahremani has by now been punished sufficiently. The Probation Office has recommended a below-Guidelines sentence, 96 months instead of 135-168 months, on the grounds that “the Guidelines, which are

driven largely by the quantity of narcotics at issue in the conspiracy, overstate the defendant's conduct and role in the offense," and that "no actual drugs or weapons were ever in fact exchanged or delivered." PSR, Section on "Justification," p. 23.

1. Downward Variance on Account of a Fictional Crime and a Frail Target

We agree wholeheartedly that the quantity of fictitious drugs should not drive the offense level for what was portrayed to the defendants above all else as a weapons-trafficking deal. (The risk would be too great that this would be incentive for law enforcement to make up drug quantities simply to drive the Guidelines. *See, e.g., U.S. v. Caban*, 173 F.3d 89, 93 (2d Cir. 1999); *U.S. v. Cromitie*, No. 09 Cr. 558 (CM), 2011 WL 2693297, at *3 (S.D.N.Y. June 29, 2011); *U.S. v. McLean*, 199 F.Supp.3d 926, 935-37, 943 (E.D. Pa. 2016).) But we believe that in this type of sting operation there are additional grounds to consider, which drive the sentence below the recommended 96 months.

This is not the type of case where the target was a known and active arms-trafficker (or drug-trafficker), such that the sting operation was constructed to test *the scope* of the target's ongoing criminal conduct. No such interest existed here where the target had no criminal history, no known involvement with weapons or drugs, and where the crime itself was fictional. *See McLean*, 199 F.Supp.3d at 935.

Perhaps not intentionally, but what this reverse sting operation did was to prey upon an emotionally and psychologically fragile individual and to challenge his morality. Government agents offered a narcissistic real estate developer – who wanted nothing more than to hear everyone acclaim him the world's greatest deal maker – the chance to make a lot of money putting together an international business transaction, and he jumped at that chance. He could speak Spanish with the confidential informants, Farsi and French with his co-defendant, Italian

when they met up in Italy; Mr. Ghahremani was in his element, the star of the action film shooting in his head.

The *Rita* Court counseled sentencing judges to take into consideration the mental and emotional condition of the defendant. *Rita*, 551 U.S. at 364-65. Mr. Ghahremani's participation in this offense stems from significant mental and emotional frailties: his intense need to belong; his eagerness to prove his astounding capabilities; his love of praise and applause for a job well done; and his childlike disregard of information and truths that do not appeal to him. Indeed, it was aspects of his mental condition – the pathological lying and name-dropping and one-upmanship – that brought him to the attention of law enforcement in the first place. The need for punishment in this case should be tempered by the understanding that we are condemning this man far more for his psychological deficiencies than for a malevolent heart.

By the end of this operation, and certainly during the proffer sessions, it became clear to all that Mr. Ghahremani has significant emotional troubles, and is a rather unsympathetic braggart and obfuscator, but that he has no actionable information (and thus did not get a Cooperation Agreement). In sum, if the purpose of these sting operations is not to add to our prison roles, but to develop leads, seize contraband and prevent crimes from happening, then this operation was ultimately unsuccessful. The fictional nature of the offense does not absolve Mr. Ghahremani of guilt, but 96 months is far too excessive a punishment to mete out for failing our morality test, for agreeing to become “a baddie” as his wife coined it. *See* Ex. C, p. 1.

2. Downward Variance on Account of Solitary Confinement and a Vulnerable Man

Solitary confinement – that is confinement of a prisoner alone in a cell for all, or nearly all, of the day with minimal environmental stimulation and minimal opportunity for social interaction – can cause severe psychiatric harm.

Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, 22 WASH. U.J.L. & POL'Y 325, 327 (2006), http://openscholarship.wustl.edu/law_journal_law_policy/vol22/iss1/24.

Research further shows that solitary confinement appears to cause “psychotic disturbances,” a syndrome that has been described as “prison psychoses”. Symptoms can include anxiety, depression, anger, cognitive disturbances, perceptual distortions, paranoia and psychosis and self-harm.

□ Some individuals experience discrete symptoms while others experience a “severe exacerbation of a previously existing mental condition or the appearance of mental illness where none had been observed before”.

Special Rapporteur, *Interim Report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment*, ¶¶ 62-63, delivered to the General Assembly, U.N. Doc. A/66/268 (Aug. 5, 2011) (prepared by Juan E. Mendez), excerpts attached as Exhibit M.

One hundred and twenty-five years ago, this Court recognized that, even for prisoners sentenced to death, solitary confinement bears “a further terror and peculiar mark of infamy.” *In re Medley*, 134 U.S. 160, 170, (1890); *see also id.*, at 168 (“A considerable number of the prisoners fell, after even a short [solitary] confinement, into a semi-fatuous condition ... and others became violently insane; others, still, committed suicide”).

Davis v. Ayala, 135 S. Ct. 2187, 2209 (2015) (Kennedy, J., concurring).

In this Circuit, courts have concluded that time in solitary confinement constitutes a “severe hardship” and may warrant significant downward departures and variances. In a Section 1983 prisoner case, the Second Circuit held that the prisoner’s 305 days of confinement in the Secure Housing Unit of a New York correctional facility was “atypical” in its duration and constituted a “severe hardship.” *Colon v. Howard*, 215 F.3d 227, 229 (2d Cir. 2000). Mr. Ghahremani, almost exactly like Colon, was held in solitary confinement for 303 days.

In a subsequent and by now seminal case, the Second Circuit held more generally that “pre-sentence confinement conditions may in appropriate cases be a permissible basis for downward departures,” explaining that it could *not* say “that conditions of confinement may *not* be so *severe* as to take a particular case ‘outside the heartland of the applicable Guideline.’” *U.S. v. Carty*, 264 F.3d 191, 196 (2d Cir. 2001) (citation omitted) (emphasis added).

Justice Kennedy, in his recent concurrence in *Davis v. Ayala*, has called for the consideration of issues that arise from solitary confinement:

These [publications] are but a few examples of the expert scholarship that, along with continued attention from the legal community, *no doubt will aid in the consideration of the many issues solitary confinement presents. And consideration of these issues is needed.* Of course, prison officials must have discretion to decide that in some instances temporary, solitary confinement is a useful or necessary means to impose discipline and to protect prison employees and other inmates. But research still confirms what this Court suggested over a century ago: Years on end of near-total isolation exact a terrible price. *See, e.g.,* Grassian, Psychiatric Effects of Solitary Confinement, 22 Wash. U.J.L. & Pol’y 325 (2006) (common side-effects of solitary confinement include anxiety, panic, withdrawal, hallucinations, self-mutilation, and suicidal thoughts and behaviors). *In a case that presented the issue, the judiciary may be required, within its proper jurisdiction and authority, to determine whether workable alternative systems for long-term confinement exist, and, if so, whether a correctional system should be required to adopt them.*

Davis, 135 S. Ct. at 2210 (Kennedy, J., concurring) (emphasis added).

While we do not ask this Court to determine a workable alternative to solitary confinement going forward, we do ask the Court to exercise its authority and discretion in this case to grant a substantial downward variance to redress a past wrong, the detention of Mr. Ghahremani in solitary confinement, which was *not* “necessary means to impose discipline and to protect prison employees and other inmates.” *Id.*

I asked a Spanish criminal law attorney and professor, Maria Gutierrez, to review available documents from Mr. Ghahremani’s detention in Spain. I asked her to confirm for this Court the dates that Mr. Ghahremani was held in solitary confinement and that this solitary regime was not for reasons of discipline or security. I asked her as well to define the type of facility where he was held; to confirm that he had no pending independent Spanish criminal charges, but was in detention solely on account of the U.S. charges in this case; and to give an opinion as to whether holding a pre-trial detainee in solitary confinement for 10 months even conformed to Spanish legal principles and prison regulations. A copy of her Affidavit and CV

are attached as Exhibit N.¹

According to Attorney Gutierrez’s review of the Spanish documents, Mr. Ghahremani was held in conditions of solitary confinement from November 16, 2015 to September 14, 2016, and she confirmed that it was neither “for the assurance of his life and physical integrity,” nor “on account of his committing a serious disciplinary offence.” Ex. N, p. 6. Attorney Gutierrez notes that documents indicate that “he spen[t] 23 hours a day in his cell with no contacts to other inmates and no programmed activities or treatment.” Ex N, p. 3. Eventually, he was supposed to be permitted two activities a week, but the documents indicate that the Assistant Director of Prisons acknowledged to the Norwegian Embassy that he did not in fact participate. *Id.* She also explains that under Spanish law and Prison regulations, the maximum period of isolation for a single serious prison infraction is 14 days, and that not only did Mr. Ghahremani never commit such an infraction, he was never even given the opportunity that must be afforded to prisoners to establish that he could function in the equivalent of general population. She concludes that Mr. Ghahremani was held in solitary confinement in violation of Spanish law as well as in contravention of European human and civil rights principles, which Attorney Gutierrez summarizes in her Affidavit. *See also* Exhibit O (excerpts of human rights reports regarding Spanish prisons and solitary confinement).

In his letters to his wife, excerpted above, it is apparent that Mr. Ghahremani experienced minimal environmental stimulation and opportunity for social interaction, and that he at times presented with symptoms of “prison psychosis,” including anxiety, depression, paranoia, anger

¹ I originally came to know of Attorney Gutierrez through a Spanish alumnus of Columbia Law School, and in 2013 I engaged her to provide an opinion in a criminal case I took to sentencing in the Eastern District of New York. Not only did I communicate with Ms. Gutierrez via telephone in that instance, but I had the opportunity to meet with her in person in New York and thought I was looking into a mirror, down to the freckles on our shared face. I liked her immediately.

and suicidal ideation alternating with a will to survive to see his daughter. *See* Ex. M (*Interim Report of the Special Rapporteur*). He was already a fragile individual and holding him in isolation exacerbated his condition.

The extreme penalty, in the absence of any cause, was for Mr. Ghahremani cruel and unusual. He was held in that Spanish prison for no other reason than the U.S. criminal charges against him (there were no Spanish charges, *see* Ex. N, p. 6), and so I do not ask this Court to sit in judgment on another sovereign country's system of crime and punishment. I ask this Court to judge that holding Mr. Ghahremani in isolation on U.S. charges constituted a "severe hardship" and to substantially discount his criminal sentence accordingly.

Moreover, this Court may and must under Section 3553 consider Mr. Ghahremani's individual circumstances and here, I believe he is what in civil law terms would be deemed the proverbial "eggshell" plaintiff. Isolation for Mr. Ghahremani was nothing short of pure torment. From the traumas of his childhood, the dislocation, the outsider status, the parental abandonment, he had pieced together for himself a coping mechanism that was critically dependent upon on the *constant presence of others* to acknowledge, applaud and acclaim his superlativeness. He interacts and communicates with others not to thrive but simply to survive. To isolate this man was cruel, and to maintain this man in isolation without cause for such an extended time was under all U.S. and international standards unusual.

We ask that whatever term of imprisonment this Court was inclined to impose on account of all the other factors of the case, that it credit him four days for every one day served in isolation. If, in the absence of solitary confinement, the Court would have imposed 60 months, we ask for a sentence of 15 months; if it would have imposed 72 months, we ask for a sentence of 18 months; if 84 months, we ask for 21 months; and if 96 months, we ask for 24 months. (Mr.

Ghahremani has by now served the equivalent of 32½ months detained, taking into account the Bureau of Prison's "Good Credit Time.")

To my sensibility, a reduction equivalent to one-fourth of what this Court would otherwise have imposed – to redress the injustice of solitary confinement – is just and fair. This man is lucky he did not have a sheer break with reality, and we do not know the effects that the memory of isolation will have on him going forward. Perhaps, like Tonya Harding, he will try out a few different stories to cover this part of his life and, like a good comedian, he will take into account audience feed-back until one version settles in and feels just about right. But more likely, he will go to his parents in Norway – his time in solitary confinement seems to have washed away any lingering animosity toward them for condemning him to the Swiss boarding school – or work at a job arranged by his brother-in-law in the Netherlands (see Ex. E, p. 3), but in either scenario he will be painfully apart from his daughter. Hopefully, he will seek mental health counseling.

IV. Need to Avoid Unwarranted Sentencing Disparities

The requested time-served below Guidelines sentence does not create any sentencing disparity. First, and assuming any claim of disparity is made, the equities in mitigation and facts of the case warrant the requested sentence and distinguish Mr. Ghahremani from other defendants accused of similar offense conduct.

Second, a below Guidelines sentence is not uncommon in drug cases within the Second Circuit generally. For drug-trafficking cases within the Southern District of New York specifically, in 2016 37% of defendants received a sentence within or below a range of 25 to 36 months' custody, excluding those who received probation only or prison/community split sentences. *See* Ex. P; also available at <http://www.ussc.gov/sites/default/files/pdf/research-and->

publications/annual-reports-and-sourcebooks/2016/stats_NYS.pdf (last visited February 11, 2018). Thus, the requested sentence will not create sentencing disparity within the District.

Comparing Mr. Ghahremani to similarly-situated first offenders nationwide, a time-served sentence (32 months) does not create an unwarranted disparity. Albeit a few years old, according to a component of the U.S. Sentencing Commission's 2004 "Fifteen Year Report," 75.7% of defendants who like Mr. Ghahremani have no prior arrests received sentences of less than 24 months, and 87.2% received sentences of less than 60 months. Ex. P (Sentence Characteristic Tables for Offenders with No Criminal History).

Furthermore, as a removable alien, Mr. Ghahremani would encounter more restrictive prison circumstances and fewer benefits than the U.S.-citizen inmates. For example, deportable aliens are not eligible to participate in incentive-based prison programs, such as the Residential Drug Abuse Programs, which can reduce sentences by as much as 12 months. *See, e.g.*, 28 C.F.R. § 550.55(b)(1). Nor are they eligible for the benefit of half-way house residence during the final six months of their sentences. To the contrary, upon completion of this Court's criminal sentence, Mr. Ghahremani may spend additional time incarcerated at an immigration detention center while awaiting removal to Norway. In undersigned counsel's experience, upon completion of their federal sentences, alien prisoners located in New York City typically end up housed at the Hudson County Correctional facility pending removal, which this Court has found to be qualitatively worse than federal facilities. *See U.S. v. Francis*, 129 F. Supp. 2d 612, 619 (S.D.N.Y. 2001) (Patterson, J.). Thus, far from resulting in an unwarranted sentencing disparity, a time-served sentence for Mr. Ghahremani would offset the additional time he would have to spend incarcerated on account of his alien status relative to U.S.-citizen defendants.

Finally, in sentencing Ally Ally Mohamed below the Guidelines range of 87-108 months'

imprisonment to 18 months’ imprisonment in a methamphetamine importation conspiracy, Judge Torres of this Court wrote: “If there ever is a day in a person’s life when he is entitled to be judged on the basis of the entirety of his background and contributions, it is at sentencing. And Section 3553(a), in directing the Court to consider the history and characteristics of the offender, is consistent with that. The sentence I impose today will credit Mr. Mohamed for his good qualities.” *U.S. v. Mohamed*, No. 15-Cr-842 (AT), Sent. Tr. dated Mar. 27, 2017, pp. 27-28.

The letters attached as Exhibits to this Memorandum attest to Mr. Ghahremani’s good qualities, chief among them: his generosity; his kindness; his hard work and provision for his family; his devotion to his now six-year-old daughter; his devotion to his adult stepchildren, including paying tuition for one to attend University and buying businesses in Miami so that two others would be gainfully employed; and his sociability, which all who meet him outside the context of this case seem to have enjoyed greatly. Ex. Q (additional letters of support).

CONCLUSION

The tool which served Mr. Ghahremani his whole life – his repeating back to people in their own language exactly what they wanted to hear, saying things that were false but appeared to others to be true because, in spirit, they were true if for no other reason than that Mr. Ghahremani believed them to be true – was ultimately his undoing.

It would be a shame, I believe, to keep him incarcerated any longer, to punish him further for his personality flaws: his need to be accepted and adored; his love of praise and applause; his braggadocio and one-upmanship; his name-dropping and self-aggrandizement; and his easy way with blocking out information and truths that do not appeal to him, such as the fact that the weapons were to protect illegal drug shipments to a country he loved and worked so hard to gain entry into. Mr. Ghahremani knew nothing about the weapons industry. His businesses never

handled weapons. He was a real estate developer with an outsized ego, significant narcissistic tendencies and delusions of grandeur.

We respectfully request a sentence of 18 months time-served. (We ask also that the Court specifically direct the Bureau of Prisons to recognize and include the 10 months Mr. Ghahremani spent in pre-trial detention in Spain within the term of this Court's sentence.)

Dated: February 16, 2018

Respectfully submitted,



ALESSANDRA DEBLASIO
Attorney for Vincent Ghahremani
299 Broadway, Suite 1803
New York, NY 10007

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Sentence

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

15 CR 793 (JMF)

5 VINCENT GHAHREMANI,

6 Defendant.

7 -----x

8 New York, N.Y.

9 March 1, 2018

3:45 p.m.

10 Before:

11 HON. JESSE M. FURMAN,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 Interim United States Attorney for the
16 Southern District of New York

17 SHAWN G. CROWLEY

Assistant United States Attorney

18 ALESSANDRA DEBLASIO

19 Attorney for Defendant

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1 THE DEPUTY CLERK: United States v. Ghahremani, 15 CR
2 793.

3 MS. CROWLEY: Sean Crowley for the government.

4 THE COURT: Good afternoon, Ms. Crowley.

5 MS. DEBLASIO: Good afternoon, your Honor. Alessandra
6 Deblasio for defendant Vincent Ghahremani.

7 THE COURT: Good afternoon to both of you. All right.
8 We are here for purposes of sentencing. In preparation for
9 today's proceeding, I have reviewed the presentence report
10 dated February 7, I've also received and reviewed the
11 defendant's submissions dated February 16 and March 1st, that
12 was earlier today, 2018, as well as the attachments to those
13 submissions, including letters addressed to me from the
14 defendant's wife, brother-in-law, mother, and various others,
15 and certain publications from the United States sentencing
16 commission, various personal records and photographs, some
17 certificates from the BOP and sentencing transcript from Judge
18 Stein, and I think a couple other things as well. But the
19 bottom line is I've reviewed all that, and the government's
20 submission dated February 22, 2017.

21 Are there any additional submissions I should have
22 received?

23 MS. CROWLEY: Not from the government, your Honor.

24 MS. DEBLASIO: No, your Honor.

25 THE COURT: Ms. Deblasio, have you reviewed the

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1 presentence report?

2 MS. DEBLASIO: Yes, I have, your Honor.

3 THE COURT: Have you discussed it with Mr. Ghahremani?

4 MS. DEBLASIO: Yes, your Honor, we did.

5 THE COURT: I understand from your sentencing
6 submission that you do not have any objections with respect to
7 the factual accuracy or the sentencing guidelines calculation.
8 Is that correct?

9 MS. DEBLASIO: That's correct.

10 THE COURT: All right. Mr. Ghahremani, have you
11 reviewed the presentence report?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Did you discuss it with Ms. Deblasio?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Did you have enough time to do that, to go
16 over the report with her and to bring to her attention anything
17 you would want to bring to my attention in connection with your
18 sentencing? Did you have enough time to do that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Ms. Crowley, did you review the
21 presentence report.

22 MS. CROWLEY: I have, your Honor.

23 THE COURT: Any objections to the factual recitations
24 set forth in the report?

25 MS. CROWLEY: No, Judge.

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1 THE COURT: Hearing no objections, I'll adopt the
2 factual recitation set forth in the presentence report which
3 will be made a part of the record in this matter and kept under
4 seal. In the event an appeal is taken, counsel may have access
5 to the report without further application to me.

6 Turning to the guidelines, as counsel know I'm no
7 longer bound by the guidelines, but I am required to consider
8 them in imposing an appropriate sentence, and must therefore
9 accurately calculate them.

10 Ms. Deblasio has already indicated she has no
11 objections to the guidelines calculation. I take it that the
12 guidelines calculation in the presentence report is consistent
13 with the parties' stipulation in the plea agreement. Is that
14 correct?

15 MS. CROWLEY: That's correct, Judge.

16 MS. DEBLASIO: Yes, that's correct, your Honor.

17 THE COURT: Ms. Crowley, do you have any objection to
18 the presentence report's calculation?

19 MS. CROWLEY: No, your Honor.

20 THE COURT: I did issue the order yesterday indicating
21 that you should be prepared to address the question of the
22 possession of a firearm question that I addressed yesterday at
23 Mr. Rahimi's sentencing. I know Ms. Deblasio was present for
24 that. I will adhere to my ruling yesterday, which is to say
25 I'm not going to do anything different with respect to

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1 Mr. Ghahremani.

2 I have to say, having slept on it, I'm not entirely
3 sure it is correct. Which is to say that I sort of bought the
4 distinction between -- or Mr. Rahimi didn't necessarily possess
5 the firearms that he is depicted firing in those videos because
6 they were not his and he was using them temporarily. But in
7 part, because I was reviewing jury instructions for a trial
8 next week that involved issues related to possession, I
9 refreshed my recollection that ownership and possession are not
10 necessarily the same thing, and I think if the government
11 charged Mr. Rahimi with possessing that firearm, if there were
12 a basis to do so, that would probably be adequate proof of his
13 possession.

14 Having said that, I will adhere to the ruling I made
15 yesterday, and therefore adopt and accept the parties'
16 calculation and the presentence report's calculation of the
17 sentencing guidelines. I do, however, before I do that, I need
18 Ms. Crowley, you to make a proffer and representation with
19 respect to Mr. Ghahremani's qualification for the so-called
20 safety valve. So if you could do that please.

21 MS. CROWLEY: Yes, your Honor. For the same reasons
22 stated yesterday, we believe that Mr. Ghahremani is eligible
23 and at this time we would move for the reduction pursuant to
24 the safety valve. We don't believe that under 2D1.1(b)(1) he
25 possessed weapons such that the safety valve should not apply.

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1 And Mr. Ghahremani has met with the government on several
2 occasions, as counsel states in her submission, and has fully
3 accepted responsibility for his conduct and provided
4 information that the government has deemed credible.

5 THE COURT: All right. Thank you. Based on that
6 proffer I find that the defendant does meet the criteria set
7 forth in Section 5C1.2 of the guidelines and Section 3553(f) of
8 Title 18, so the statutory mandatory minimum sentence does not
9 apply in this case.

10 So based on the parties' agreement, the absence of any
11 objection, my independent calculation of the sentencing
12 guidelines, I accept and adopt the guidelines calculation in
13 the presentence report, that is using the November 2016 edition
14 of the guidelines which remains in effect. I find that the
15 total offense level is 33, the criminal history category is I,
16 the guidelines range is 135 to 168 months in prison, the fine
17 range is 35,000 to \$10 million.

18 In the plea agreement both parties agreed not to seek
19 a departure from that range, namely within the guideline system
20 and as distinct from what has come to be known as a variance.
21 Is that correct?

22 MS. CROWLEY: That's correct, your Honor.

23 MS. DEBLASIO: That is correct, your Honor.

24 THE COURT: I've nevertheless considered whether there
25 would be a basis for a departure in this matter, and I do not

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1 find there would be a basis.

2 I'll hear from counsel and from Mr. Ghahremani if he
3 wishes to say anything. I think it is fair to say that my
4 sentence yesterday of Mr. Rahimi looms large here, and set a
5 bit of a benchmark for the sentence of Mr. Ghahremani, which is
6 to say I think it would be helpful to me to make whatever
7 arguments you might have with respect to why he should be
8 treated any differently.

9 On that score, I wanted to ask, number one, about
10 Mr. Ghahremani's treatment pending extradition. Again, I'm
11 surprised by it. I'm disturbed by it. Ms. Deblasio in I think
12 the submission this morning essentially made an argument or at
13 least a suggestion that Mr. Ghahremani might have been treated
14 worse than Mr. Rahimi on that score. And I don't know whether
15 that's the case or not. Mr. Rahimi certainly made I think less
16 of an issue of it in his sentencing submission.

17 But in the presentence report for Mr. Rahimi, which
18 Ms. Deblasio would not have been privy to, it does state he was
19 in solitary confinement for 15 months, which would be
20 comparable I think to the treatment that Mr. Ghahremani
21 alleges. I don't know whether either of you has any insights
22 on that score, but that's something I was pondering.

23 Ms. Crowley, I would ask you to just respond to the
24 defense argument that I should give credit for Mr. Ghahremani's
25 attempts to cooperate. Obviously you didn't ultimately offer a

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1 cooperation agreement here. I'm mindful of that, but curious,
2 number one, factually if you would agree that he was truthful
3 and credible in those proffers, and six seems like a high
4 number on that score. Number two, if you have anything you
5 want to say on that.

6 I was a little struck by the defense submission both
7 arguing that Mr. Ghahremani is, for lack of a better term, an
8 inveterate confabulist who makes things up and basically has a
9 robust fantasy life, and the fact that he seemed to proffer at
10 some great length.

11 In my experience, the government doesn't tend to put
12 people on the stand who are admitted confabulists too often.
13 So I did find that a little bit interesting to say the least.

14 But, in any event, Ms. Crowley, let me start with you.

15 MS. CROWLEY: Yes, your Honor. I will repeat what I
16 said yesterday which is just I don't have any information about
17 Mr. Ghahremani's treatment while in custody in Spain. The
18 first that I heard of it was in the defense submission.

19 With respect to your Honor's second question, we
20 determined that Mr. Ghahremani ultimately was truthful about
21 his conduct in this case. I will add that this was after he
22 received discovery, which included extensive recordings and
23 transcripts of recordings of conversations that he had with the
24 confidential informants and his co-defendant.

25 I think your Honor has hit the nail on the head about

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1 some of the issues that led to the significant number of
2 proffer sessions. And perhaps I won't go much further than
3 that, just to say that it took a while to sort of get to a
4 point where we were comfortable that he had accepted full
5 responsibility for his conduct in this case.

6 Ultimately he was not offered a cooperation agreement.
7 A big part of that was because Mr. Rahimi pled guilty. And we
8 did not assess that Mr. Ghahremani could provide cooperation
9 against any other targets.

10 THE COURT: All right. I did actually have one other
11 question that I overlooked which relates a little bit to some
12 of my questioning yesterday, which is sort of how this all came
13 about. Is there anything you can tell me about why
14 Mr. Ghahremani was targeted -- I don't know that's the right
15 word and I certainly don't mean anything pejorative about it.
16 But why the confidential sources here fixed upon him and
17 approached him in the first instance. Is there something about
18 his background or what he was doing prior to -- there has been
19 no, other than Mr. Ghahremani's wife or ex-wife's references to
20 entrapment, I don't think there has been any claim of
21 entrapment in this case. And by reference I mean in her letter
22 here. But so I don't mean to raise that or suggest that's a
23 viable option or issue here. But, I guess I was just curious
24 what led authorities to focus on him in the first place.

25 MS. CROWLEY: Your Honor, I believe what happened was

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1 Mr. Ghahremani was associates of an individual that the DEA at
2 the time was investigating for weapons trafficking. His name,
3 Mr. Ghahremani's name was provided to the confidence sources as
4 an individual who may be able to acquire weapons. I don't mean
5 to suggest that Mr. Ghahremani had any history or was a
6 significant weapons trafficking target. But his name was
7 passed along as someone who, because of the people that he
8 knew, the kinds of money that he was moving in other
9 potentially legal avenues, could potentially acquire these
10 weapons.

11 THE COURT: All right. Very good. Ms. Deblasio.

12 MS. DEBLASIO: Yes, your Honor. To address a couple
13 of questions, two questions you asked yesterday in terms of
14 Mr. Ghahremani and then also I do want to try to distinguish
15 him from Mr. Rahimi.

16 So first, your Honor asked yesterday why didn't they
17 just say no. And the other question was what was the
18 defendants' end game. What was their motivation. If I can try
19 to answer that, I think it distinguishes them a little bit
20 without repeating what I wrote in the memo.

21 In thinking last night about this, I thought of
22 something that came up during the course of this, and that was
23 that one day before the first cooperation agreement I was
24 talking with Mr. Ghahremani and he mentioned, you know, the
25 assistant U.S. attorney is Armenian. I said no, I think her

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1 last name is Crowley. And he said no, no, it's Geovjian,
2 that's her maiden name.

3 And I didn't think too much of it, and we went to the
4 cooperation, I believe it was our first session, and
5 Ms. Crowley was asking questions, where were you born, when
6 were you born, and Mr. Ghahremani blurted out "My father is
7 Armenian, my name was Ghahremani." And I remember Ms. Crowley
8 was surprised and said "I'm Armenian."

9 And then next time I saw Mr. Ghahremani, we were
10 talking and he said I think Judge Furman is Jewish. I said I
11 believe he is. And later when I was going over with
12 Mr. Ghahremani to prepare the background, I asked him what was
13 your name when you were born? He said Vincenzo. I said, no,
14 it wasn't, you were born in Iran. He said Vincenzo. My mother
15 is Italian. I said when did your mother come to Iran? He
16 said, no, my grandmother.

17 You go through enough questions in the story, you just
18 have to stop. I always remembered the Jewish and the Armenian.
19 I didn't realize the Italian was for my benefit.

20 In his mind it's true. He's Italian, Jewish and
21 Armenian. But I doubt that's real. There is a difference
22 between truth and reality. And he doesn't do it to deceive us.
23 I believe he does it because he wants us, Armenian, the Jewish
24 judge, and the Italian lawyer to identify with him. He wants
25 us to welcome him in. He wants to be a part of our world. And

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1 I think that goes towards explaining why did he get involved
2 here.

3 He had a wealth manager, somebody at the bank who he
4 knew in Florida asked him to be in touch with Jose who turned
5 out to be the confidential source. And so Mr. Ghahremani spoke
6 with Jose, and it came up there was a potential weapons deal.
7 And I doubt they said "drugs" the very first talk, but it
8 doesn't really matter.

9 And Mr. Ghahremani was thinking wealth management,
10 consultant in the bank, bankers, he's new to America, he's here
11 on an investor's visa, he made \$1 million to come here, he's
12 trying to show everybody that he is a big shot. And he is
13 trying to get clients, he is trying to get referrals.

14 So I think to him, this whole thing started as, oh,
15 I'll show the wealth management person that he referred
16 somebody to me, I'll do the deal, sure. And he didn't know
17 much about weapons, but he knew Mr. Rahimi.

18 And I think he went along with this, to answer your
19 Honor's second question, so why say no. He's not going to say
20 no, it is all about money and being a part of our world. But
21 the end game and motivation, I think there was no end game. I
22 think yesterday the defense attorney made the point that, and
23 your Honor made the point what were they doing. I mean, were
24 they going to rip off the alleged cartel members? They would
25 be killed. They didn't have money to buy weapons. And so I

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1 think the motivation was the same as it is in so many things
2 for Mr. Ghahremani, which is he had a fallback position, which
3 was he just going to be back to tell his friend that it was
4 somebody else's fault. So if this whole thing came through and
5 they were able to provide weapons and he could make money,
6 terrific. And if not, it was somebody else's fault, not his.
7 He's the man who can get things done. So in my mind that is
8 the why, and what was the point, what was the end game.

9 And I don't want to patronize my client, but I agree
10 with your Honor yesterday when you said that this perhaps -- I
11 think you said it is lucky for them. They are lucky. And I
12 prefer to think going forward of good things that will happen
13 and not regret the past. But, they're lucky this wasn't real
14 because they would not be here today. And of course we're
15 lucky because if he got involved and there were weapons and
16 drugs into the United States. So, I think there is something
17 to that.

18 He's admitted his guilt and it is not easy for him to
19 come into our zone, but I think there is good in that and he
20 has to remember that going forward, and at the same time, I
21 think 72 months, respectfully, is too much for this individual.

22 One of the things I want to say is I believe nobody in
23 this case. I think they were all -- truth from reality is very
24 difficult. What I did, and I think you saw that, is I put in
25 his passport page so he would know he was Iranian and he would

I313GHAS

Sentence

1 have a birth date. I got an independent lawyer in Spain to
2 review all the records and tell us what was going on. What she
3 told us, and Mr. Rahimi didn't do this for whatever reason, but
4 what we know objectively in facts from Mr. Ghahremani is that
5 he spent 10 months in solitary confinement. And the facility
6 he was in, Estremera, is a closed system. And so he was not
7 only in -- she defined the difference between closed and open
8 and medium. He isn't only in the worst of the Spanish prisons,
9 he was in solitary. It was like being in solitary in solitary.

10 His condition was I think, objectively and based on
11 Ms. Gutierrez's report, I think this Court can rely on the fact
12 he spent a solid 10 months in solitary, and I don't know that's
13 true of Mr. Rahimi. So that's with respect to that.

14 And I am also cognizant of what your Honor said about
15 deterrence. And I believe your Honor said specific deterrence,
16 these two individuals have been deterred. And your concern was
17 general deterrence. And I wanted to take that a step farther
18 or a step off to the side to say that I believe a lower
19 sentence, giving him credit for the terrible condition of
20 solitary confinement, can be a deterrence to the operation, to
21 say it appropriately without pointing fingers, I was an
22 assistant U.S. attorney, I worked at the Department of Justice
23 as a liaison to foreign countries, I went overseas and I know
24 how things work, and we rely on police-to-police relations.
25 And as the assistant said in this case, she had no idea, and

I313GHAS

Sentence

1 that's correct, the assistants don't have any idea of the
2 conditions that these people are kept in.

3 And I think one thing a sentence like this might say
4 is we do not accept putting our criminal defendants in solitary
5 confinement. And I think it is talking directly to the DEA. I
6 think part of this all had to do with Spain violated all its
7 own regulations, they did it I believe because of the United
8 States. Whether DEA was hoping he would cooperate, I don't
9 know.

10 But, I think the Judiciary can say to the Executive
11 Branch that this violates our norms, our laws, our
12 Constitution, I mean, I think this is really excessive. So
13 that's one thing I would ask your Honor to consider.

14 And then the final two points I wanted to make to
15 distinguish Mr. Ghahremani from Mr. Rahimi is that the
16 cooperation which we spoke about, I think this circuit gives
17 credit for that. I do believe he has to, he should get credit
18 below Mr. Rahimi's 72 months. As you know, the plea was
19 adjourned a few times because he would have been a witness
20 against Mr. Rahimi. And the last thing is --

21 THE COURT: Is it your view that the number of
22 proffers was a reflection -- it sounded to me from what
23 Ms. Crowley said, part of the reason there was so many proffers
24 was in essence that it is hard to pin Mr. Ghahremani down.

25 MS. DEBLASIO: Yes.

I313GHAS

Sentence

1 THE COURT: And confirm exactly what his story is and
2 what happened. That doesn't strike me as a very compelling
3 case for cooperation. It sounded like it might be more a
4 difficulty in confirming the truth of his story for purposes of
5 a safety valve.

6 MS. DEBLASIO: I would say for cooperation, I think
7 that he would be a difficult individual as a witness. But I do
8 think that Ms. Crowley and Mr. Turner would have, I mean, it is
9 a great office, they know how to prepare witnesses, and yes,
10 the time was because we could not get him to focus. There was
11 a lot of difficulty in getting him -- he wanted to talk about
12 so many other things in his life and other work, and it was
13 really, I agree with what Ms. Crowley said. It was, it was
14 difficult to bring him to this case, but I don't think it was
15 difficult in terms of responsibility. Ultimately, he gets it.
16 But I think he, he would rather not form a part of his
17 narrative. I don't think he wants to think of this as a drug
18 operation, and I think he would have gone back to that bank
19 manager and told him the deal was all about weapons. I'm
20 pretty sure he wouldn't tell him drug. He would create it to
21 be a legal weapons deal in Europe, and I did the best, and
22 either my partner Rahimi fell through or the buyers fell
23 through. He would be the hero. And he would tell what was
24 beneficial to him.

25 But in terms of your Honor's question, it just took a

I313GHAS

Sentence

1 while to get him to focus. He does not focus. He wants to
2 tell you he's Armenian. He does, and you'll be off, and then
3 you get to bring him back. It was not easy. But, I think they
4 got a handle on him by the end, which is why they made the
5 determination they did, and that's why we waited for our plea
6 until Mr. Rahimi went first.

7 So a difficult individual, but I think that goes
8 towards mitigation. And I do think he gets some extra credit
9 for cooperation.

10 And the last thing is usually not the most persuasive,
11 but to me, it is. And that is Mr. Rahimi allegedly has an
12 infant, Mr. Ghahremani does have a six-year-old daughter and
13 you can see the photographs and there is a photograph of her.
14 It is her sixth birthday this past January and she's sitting at
15 a table with the balloons all by herself, six little candles,
16 it's very sad. And we sometimes have to think beyond the
17 defendant to what it does to other people. And I have a
18 nine-year-old child and the idea that a six year old doesn't
19 know what's going on with her daddy, doesn't know why he's not
20 there, doesn't know when he's coming home, and I do think that
21 distinguishes Mr. Ghahremani from Mr. Rahimi.

22 So I think we do have three things. I think we have
23 solitary confinement, cooperation, and you know, the sins of
24 the father, that's what we're talking about.

25 So I would ask that your Honor sentence him, consider

I313GHAS

Sentence

1 sentencing him to less than 72 months that you imposed on his
2 co-defendant.

3 THE COURT: Thank you.

4 Mr. Ghahremani, is there anything that you wish to say
5 before I sentence you?

6 THE DEFENDANT: Yes, your Honor. Your Honor, I am
7 ashamed before you and my family, some of them are here, for my
8 actions, for my crime against the United States, to sell
9 weapons to protect the shipment allegedly of cocaine to the
10 United States. I thought of no one but myself. It was a long
11 dream of mine to make it in the United States. I worked hard
12 to get here, and with my selfish conduct I threw it all away.
13 Not just for myself, but for my daughter and my wife. I love
14 my family, I love my daughter. I was in solitary confinement.

15 THE COURT: Mr. Ghahremani, take a deep breath. It is
16 important that I can hear you and also important that the court
17 reporter here can hear you. So if you don't mind just speaking
18 a little more slowly.

19 THE DEFENDANT: Not only was I separated from my wife
20 in solitary confinement, but here also while at MDC with them
21 in Europe.

22 Nothing causes me as much pain as being apart from my
23 daughter except knowing I will spend much of the rest of my
24 life in Europe separated from her.

25 I am ashamed before my parents that are not present,

I313GHAS

Sentence

1 that could not be here due to my father's health issue. This
2 is my own fault, I brought it to myself, I blame no one. My
3 punishment is banishment from my daughter's life. I'm before
4 you a dishonored father and man.

5 MS. DEBLASIO: Your Honor, I'm sorry. If I may. I
6 meant to introduce -- they traveled a long way. Alexander van
7 Hamert, a brother-in-law, he is here from the Netherlands, and
8 Mr. Ghahremani's stepson Francisco Rodriguez who is here from
9 Florida. He also wrote a letter, and I have originals if your
10 Honor wanted the original letters for any reason.

11 THE COURT: I don't need the originals. I saw I think
12 they had indicated they were going to be here for sentencing.
13 I welcome you and thank you for joining us.

14 Counsel, is there any reason why sentence should not
15 be imposed at this time?

16 MS. CROWLEY: No, your Honor.

17 MS. DEBLASIO: No, your Honor.

18 THE COURT: In imposing sentence, I am required to
19 consider the factors set forth in Title 18, United States Code,
20 Section 3553(a). Those include: First, the nature and
21 circumstances of the offense; second, the need for the sentence
22 imposed to advance the purposes of sentencing, namely to
23 reflect the seriousness of the offense, to promote respect for
24 the law, and to provide just punishment for the offense, to
25 afford adequate deterrence to criminal conduct, to protect the

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Sentence

1 public from further crimes of the defendant, and to provide the
2 defendant with needed educational or vocational training,
3 medical care or other correctional treatment; third, the kinds
4 of sentencing available; fourth, the guidelines range which I
5 have found to be 135 to 168 months in prison; fifth, any
6 pertinent policy statements; sixth, the need to avoid
7 unwarranted sentencing disparities among similarly situated
8 defendants; and seventh, the need to provide restitution to any
9 of the victims of the offense.

10 Ultimately, I am required to impose a sentence that is
11 sufficient, but no greater than necessary, to comply with the
12 purposes of sentencing that I mentioned a moment ago.

13 Suffice it to say, as I started by saying, I think
14 that the sentence I imposed yesterday on Mr. Rahimi certainly
15 looms large and sets somewhat of a benchmark for the sentence
16 today. I think in many respects Mr. Rahimi and Mr. Ghahremani
17 are similarly situated and similarly culpable. On the one
18 hand, Mr. Ghahremani is the one that got the two of them into
19 this mess by taking the bait in the first place. On the other
20 hand, Mr. Rahimi is the one who sort of ran with it, and as far
21 as I could tell, had more substantial contacts that led the two
22 of them to believe they could actually carry this out.

23 For the reasons I said yesterday, I do think a
24 substantial sentence is warranted. This is an extremely
25 serious offense, even if these two were not ultimately likely

I313GHAS

Sentence

1 to be able to carry it out, in that those who either do or
2 would, if possible, provide the kind of weaponry that was being
3 discussed here to the kinds of people who were believed to be
4 involved here, really are responsible for a tremendous amount
5 of violence and mayhem in our world and even our country.

6 At the same time, as I said yesterday, Mr. Ghahremani
7 and Mr. Rahimi are not exactly professional arms traffickers,
8 shall we say, and it is quite clear to me they were in well
9 over their heads. And I agree that they were frankly lucky
10 that this was a sting operation. I think if it were not a
11 sting operation, the two of them would be dead, because they
12 would not have been able to carry through on what they were
13 purporting to be able to carry through on, and the folks that
14 they thought they were dealing with would not likely have let
15 them get away with that.

16 So, it may be hard for you to appreciate the fact that
17 sitting in an American prison is a luckier fate than the one
18 might have befallen you if this had actually been real. But in
19 many respects I think that is the case.

20 At the end of the day the real question is whether
21 there are any circumstances that would differentiate
22 Mr. Ghahremani from Mr. Rahimi, and Ms. Deblasio has
23 articulated three. Of those three, I am persuaded that his
24 efforts to cooperate are something that warrant a slightly
25 lower sentence than Mr. Rahimi's. I recognize he was not

I313GHAS

Sentence

1 signed up as a cooperator, and I recognize that the number of
2 proffers may in part have been a function of Mr. Ghahremani's,
3 shall we say, creative relationship with reality.

4 But, at the same time I did hear Ms. Crowley say that
5 one of the reasons or perhaps the primary reason that he was
6 not ultimately signed up as a cooperator was that Mr. Rahimi
7 pled guilty, and therefore Mr. Ghahremani's testimony was not
8 needed. The fact that he was prepared to testify if called
9 upon to do so I think is something for which he does deserve
10 more, let's put it that way.

11 He did not cooperate, he did not testify in that
12 regard the, quote unquote, reward is certainly far less than it
13 would be if he would be sentenced as a cooperator.

14 Bottom line I do think a variance is appropriate from
15 the guidelines range, which is quite high. It is a substantial
16 variance, but not quite as much a variance as defense counsel
17 has argued for.

18 I don't think I particularly articulated that part of
19 the reason for the variance yesterday with respect to
20 Mr. Rahimi was his treatment pending extradition, but I did
21 factor that in yesterday and therefore will factor it in
22 similarly today.

23 I don't have a basis to make a determination let alone
24 a finding of whether Mr. Ghahremani's treatment was worse than
25 Mr. Rahimi's or vice versa. As I said, the presentence report

I313GHAS

Sentence

1 for Mr. Rahimi indicated he was in solitary confinement for up
2 to 15 months, which, if true, he was treated more harshly than
3 Mr. Ghahremani and he alleges he was beaten in connection with
4 his detention.

5 Ms. Crowley, I am troubled by all of that. All I have
6 is essentially the word of these two defendants and the
7 independent investigation of the Spanish lawyer that
8 Ms. Deblasio enlisted, but I do think it behooves you and you
9 should do a little bit of digging into it and contact the
10 relevant authorities, whoever that may be, and just indicate
11 that I had raised some concern at sentencing about it, and was
12 definitely troubled by the treatment that these two men
13 apparently received pending extradition.

14 I do not understand why either one of them would have
15 warranted being in solitary confinement for extended periods of
16 time, let alone the time they allege they were in solitary
17 confinement. It does seem inconsistent with Spanish law that
18 Ms. Deblasio submitted in connection with the sentencing
19 submissions.

20 Having said that, I did factor that in yesterday and
21 thus I don't see that as a basis to differentiate
22 Mr. Ghahremani.

23 So, I will now state the sentence that I intend to
24 impose and, Mr. Ghahremani, I would ask you to please rise.

25 Mr. Ghahremani, it is the judgment of this Court that

I313GHAS

Sentence

1 you are remanded to the custody of the bureau of prisons for a
2 period of 66 months, that is five years and six months, to be
3 followed by a period of three years' supervised release.

4 Supervised release may be academic if, as I suspect,
5 you're removed from this country following the completion of
6 your criminal sentence. But during your term of supervised
7 release you will be subject to the following mandatory
8 conditions:

9 You shall not commit another federal, state, or local
10 crime. You shall not illegally possess a controlled substance.
11 You shall refrain from any unlawful use of a controlled
12 substance and submit to one drug test within 15 days of your
13 release on supervised release and at least two periodic drug
14 tests thereafter as determined by probation. You shall
15 cooperate in the collection of DNA as directed by probation.

16 In addition, the standard conditions of supervised
17 release, which are set forth in the presentence report and will
18 be set forth in the judgment shall be apply. Among other
19 things, you shall not possess a firearm or destructive device
20 and you shall report to the probation office within 72 hours of
21 release from custody.

22 And you must finally also meet the following special
23 conditions:

24 You shall obey the immigration laws and comply with
25 directives of immigration authorities. You shall submit your

I313GHAS

Sentence

1 person, residence, place of business, vehicle or any property
2 or electronic device under your control to a search on the
3 basis that the probation officer has a reasonable belief that
4 contraband or evidence of a violation of the conditions of
5 supervised release may be found. That search must be conducted
6 at a reasonable time and in a reasonable manner. Failure to
7 submit to a search may be grounds for revocation. You shall
8 inform any other residents that the premises may be subject to
9 search pursuant to that condition. You shall be supervised in
10 the district of your residence.

11 I'm not going to impose a fine because I find you
12 would not be capable of paying a fine. I am imposing the
13 mandatory special assessment of \$100 which shall be due and
14 payable immediately.

15 Does either counsel know of any legal reason why the
16 sentence should not be imposed as stated?

17 MS. CROWLEY: No, your Honor.

18 MS. DEBLASIO: No, your Honor.

19 THE COURT: The sentence as stated is imposed. I find
20 it is sufficient, but no greater than necessary, to satisfy the
21 sentencing purposes set forth in Section 3553(a)(2), including
22 the need to promote respect for the law, to provide just
23 punishment for the offense, and to afford adequate deterrence
24 to criminal conduct.

25 Any requests, Ms. Deblasio, respect to recommendations

I313GHAS

Sentence

1 to the bureau of prisons regarding designation?

2 MS. DEBLASIO: No, your Honor. No.

3 THE COURT: All right. Ms. Crowley, are there counts
4 to be dismissed?

5 MS. CROWLEY: Yes, the government moves to dismiss the
6 open count in the indictment.

7 THE COURT: It is dismissed as to Mr. Ghahremani at
8 this time.

9 Mr. Ghahremani, two things. To the extent you have
10 not given up your right to appeal your conviction and sentence
11 through your guilty plea and the plea agreement you entered
12 into in connection with your plea, you do have the right to
13 appeal. Any notice of appeal must be filed within 14 days of
14 entry of the judgment of conviction. And if you cannot afford
15 to pay the costs of an appeal, you may apply for leave to
16 appeal in forma pauperis.

17 Second, as I said before, I do think in many respects
18 you and Mr. Rahimi were lucky that you landed here and not in
19 coffins, to put it bluntly. I know that's cold comfort upon
20 receiving a sentence and maybe a sentence longer than you had
21 hoped. But I hope that you do have an opportunity to reflect
22 on that, and more to the point, I hope that when you get out,
23 wherever you end up, I do hope you're able to reunite with your
24 daughter and other members of your family, and I hope you're
25 able to put this behind you.

I313GHAS

Sentence

1 And however much you have desire or delusions of
2 grandeur, that you exercise those delusions in ways don't land
3 you in trouble in the future. That you understand the gravity
4 of what you did and that you can't do anything of that sort
5 again. If you end up back in my courtroom for violation of
6 supervised release or any other reason, I can assure you that
7 you're not going to be happy about what happens, if that
8 happens. But I really hope that you've learned your lesson and
9 that whatever temptations come your way down the line, that you
10 are able to put those aside, and for the sake of your family,
11 if not for yourself, that you're not lured by them once again.

12 Anything else?

13 MS. CROWLEY: Not from the government.

14 MS. DEBLASIO: Two things. I don't believe I heard
15 anything on forfeiture and I may have missed it.

16 THE COURT: I didn't inquire because the government
17 stated they were not seeking forfeiture.

18 MS. CROWLEY: That's correct, your Honor.

19 THE COURT: So no forfeiture.

20 MS. DEBLASIO: And the last thing was my client does
21 request if your Honor could put in for a Florida designation.
22 He has some family in Florida.

23 And also if you could just highlight it or whatever
24 one does for the bureau of prisons that he should get credit
25 for the 10 months pending extradition.

I313GHAS

Sentence

1 THE COURT: It is my understanding, consistent with
2 the presentence report, that he will receive credit for that
3 time, but I will include that in the judgment just to make
4 clear. That's my understanding ultimately. I think the bureau
5 of prisons makes that determination, I will also recommend to
6 the bureau of prisons that he be designated to a facility as
7 close to Miami, is that right?

8 MS. DEBLASIO: Yes, your Honor.

9 THE COURT: As close to Miami as possible to
10 facilitate the maintenance of ties to whatever family or
11 friends he has in this country. I understand he used to live
12 there himself.

13 Anything else?

14 MS. DEBLASIO: No, thank you, your Honor.

15 THE COURT: All right. In that case I wish safe
16 travels to Mr. Ghahremani's family and good luck to you,
17 Mr. Ghahremani, and we are adjourned.

18 MS. CROWLEY: Thank you, your Honor.

19 (Adjourned)
20
21
22
23
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EXAMINER

1/5/2015

ARTICLES OF ORGANIZATION

OF

ALFA MOTORS LLC

The undersigned, for the purpose of forming a limited liability company under the Florida Limited Liability Company Act, Florida Statutes Chapter 605, hereby makes, acknowledges, and files the following Articles of Organization.

ARTICLE 1 - NAME

The name of the limited liability company shall be **ALFA MOTORS LLC** ("Company").

ARTICLE 2 - ADDRESS

The principal place of business of the Company in Florida shall be 201 Alhambra Circle, Suite 501, Coral Gables, Florida 33134 and the mailing address shall be the same.

ARTICLE 3 - EFFECTIVE DATE

These Articles of Organization shall be effective on December 30, 2014.

ARTICLE 4 - DURATION

Subject to the provisions of Article 8, the Company's existence shall terminate no later than 99 years from its date of commencement, unless the Company is earlier dissolved as provided in these Articles of Organization.

ARTICLE 5 - PURPOSES AND POWERS

The general purpose for which the Company is organized is to transact any lawful business for which a limited liability company may be organized under the laws of the State of Florida. The Company shall have all the powers granted to a limited liability company under the laws of the State of Florida.



SPIEGEL & UTRERA, P.A.

LAWYERS

www.amerilawyer.com

1840 CORAL WAY, 4TH FLOOR, MIAMI, FL 33145 - (305) 854-6000 - (800) 603-3900 - FACSIMILE (305) 860-2076

MAILING ADDRESS - POST OFFICE BOX 450605, MIAMI, FL 33245-0605

ARTICLE 6 - REGISTERED OFFICE AND REGISTERED AGENT

The initial address of registered office of this Company is Spiegel & Utrera, P.A., at 1840 Southwest 22nd Street, 4th Floor, Miami, Florida 33145. The name and address of the registered agent of this Company is Spiegel & Utrera, P.A., 1840 Southwest 22nd Street, 4th Floor, Miami, Florida 33145.

ARTICLE 7 - ADMISSION OF NEW MEMBERS

No additional member(s) shall be admitted to the Company except with the unanimous written consent of all the member(s) of the Company and upon such terms and conditions as shall be determined by all the member(s). A member may transfer his or her interest in the Company as set forth in the regulations of the Company, but the transferee shall have no right to participate in the management of the business and affairs of the Company or become a member unless all the other member(s) of the Company other than the member proposing to dispose of his or her interest approve of the proposed transfer by unanimous written consent.

ARTICLE 8 - TERMINATION OF EXISTENCE

The Company shall be dissolved upon the death, retirement, resignation, expulsion, bankruptcy, or dissolution of a member or manager, or upon the occurrence of any other event that terminates the continued membership of a member in the Company, unless the business of the Company is continued by the consent of all the remaining members, provided there are at least one remaining member.

ARTICLE 9 - MANAGEMENT

The Company shall be managed by a manager or manager(s) in accordance with regulations adopted by the member(s) for the management of the business and affairs of the Company. These regulations may contain any provisions for the regulation and management of the affairs of the Company not inconsistent with law or these Articles of Organization. The names of all such manager(s) who is/are to serve as manager(s) is/are:

Operating Manager: Raimundo Lopez Lima Levi

whose mailing addresses shall be the same as the principal office of the Company.



SPIEGEL & UTRERA, P.A.

LAWYERS

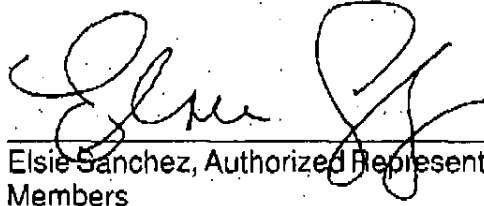
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IN WITNESS WHEREOF, The undersigned, an authorized representative of the members, has made and subscribed these Articles of Organization at Miami, Florida, for the foregoing uses and purposes, this 5 January 2015.


Elsie Sanchez, Authorized Representative of the Members

**ACCEPTANCE OF REGISTERED AGENT DESIGNATED
IN ARTICLES OF ORGANIZATION**

Spiegel & Utrera, P.A., having a business office identical with the registered office of the Company name above, and having been designated as the Registered Agent in the above and foregoing Articles of Organization, is familiar with and accepts the obligations of the position of Registered Agent under Section 605.0201, Florida Statutes and other applicable Florida Statutes.

Spiegel & Utrera, P.A.


By: Natalia Utrera
Natalia Utrera, Vice President

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**Electronic Articles of Organization
For
Florida Limited Liability Company**

L14000163901
FILED 8:00 AM
October 21, 2014
Sec. Of State
jdharris

Article I

The name of the Limited Liability Company is:
ALFA CAPITAL HOLDINGS LLC

Article II

The street address of the principal office of the Limited Liability Company is:
4100 N. MIAMI AVE
2ND FLOOR
MIAMI, FL. 33127

The mailing address of the Limited Liability Company is:
4100 N. MIAMI AVE
2ND FLOOR
MIAMI, FL. 33127

Article III

The name and Florida street address of the registered agent is:
RAUL J SANCHEZ DE VARONA
4100 N. MIAMI AVENUE
2ND FLOOR
MIAMI, FL. 33127

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: RAUL J. SANCHEZ DE VARONA

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
VINCENT GHAREMANI
4100 N. MIAMI AVENUE, 2ND FLOOR
MIAMI, FL. 33127

L14000163901
FILED 8:00 AM
October 21, 2014
Sec. Of State
jdharris

Signature of member or an authorized representative

Electronic Signature: RAUL J. SANCHEZ DE VARONA

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L14000177386
FILED 8:00 AM
November 14, 2014
Sec. Of State
ncausseauX

Article I

The name of the Limited Liability Company is:

ALFA BAYPOINT HOLDINGS, LLC

Article II

The street address of the principal office of the Limited Liability Company is:

4420 BAYPOINT DR
MIAMI, FL. 33137

The mailing address of the Limited Liability Company is:

931 COTORRO AVE
CORAL GABLES, FL. 33146

Article III

The name and Florida street address of the registered agent is:

VINCENT GHAHREMANI
931 COTORRO AVE
CORAL GABLES, FL. 33146

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: VINCENT GHAHREMANI

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
VINCENT GHAHREMANI
931 COTORRO AVE
CORAL GABLES, FL. 33146

L14000177386
FILED 8:00 AM
November 14, 2014
Sec. Of State
ncausseaux

Article V

The effective date for this Limited Liability Company shall be:

11/14/2014

Signature of member or an authorized representative

Electronic Signature: VINCENT GHAHREMANI

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

**Electronic Articles of Organization
For
Florida Limited Liability Company**

**L12000090428
FILED 8:00 AM
July 12, 2012
Sec. Of State
thampton**

Article I

The name of the Limited Liability Company is:

ALFA ACQUISITIONS, LLC

Article II

The street address of the principal office of the Limited Liability Company is:

1920 EAST HALLANDALE BEACH BOULEVARD
HALLANDALE BEACH, FL. 33009

The mailing address of the Limited Liability Company is:

1920 EAST HALLANDALE BEACH BOULEVARD
HALLANDALE BEACH, FL. 33009

Article III

The purpose for which this Limited Liability Company is organized is:

ANY AND ALL LAWFUL BUSINESS.

Article IV

The name and Florida street address of the registered agent is:

VINCENT GHAREMANI
1920 EAST HALLANDALE BEACH BOULEVARD
HALLANDALE BEACH, FL. 33009

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: VINCENT GHAREMANI

Article V

The name and address of managing members/managers are:

Title: MGRM
VINCENT GHAHREMANI
1920 EAST HALLANDALE BEACH BOULEVARD
HALLANDALE BEACH, FL. 33009

L12000090428
FILED 8:00 AM
July 12, 2012
Sec. Of State
thampton

Signature of member or an authorized representative of a member

Electronic Signature: VINCENT GHAHREMANI

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.



CFN 2018R0124708
OR BK 30881 Pgs 1783-1784 (2Pgs)
RECORDED 03/02/2018 15:17:07
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by and Return to:

Richard L Barbara, Esq.
Attorney at Law
Coral Gables Title & Escrow, LLC
224 Palermo Ave
Coral Gables, FL 33134
305-400-8802
File Number: CG18-144F

[Space Above This Line For Recording Data]

Limited Liability Company Affidavit (Seller)

Before me, the undersigned authority, personally appeared **FRANCISCO RODRIGUEZ**, ("Affiant"), who being by me first duly sworn, on oath, depose(s) and say(s) that:

1. **ALFA Capital Holdings, LLC**, a Florida limited liability company ("Seller"), is the owner of and is selling the following described property to **Sharon 5228, LLC**, a Florida limited liability company ("Buyer"), to wit:

Unit No. 1115, Samari Lake East, a Condominium Phase II, all as set forth in the Declaration of Condominium and the Exhibits attached thereto and forming a part thereof, as recorded in Official Records Book 9831, Page 1411, as amended in Official Records Book 10139, page 1178, and all amendments thereto, of the Public Records of Miami-Dade County, Florida. The above description includes, but is not limited to, all appurtenances to the condominium unit above described, including the undivided interest in the common elements of said condominium.

Parcel Identification Number: 27-3003-010-3450

Also known as 10090 NW 80 Ct., #1115, Hialeah Gardens, FL 33016 (the "Property")

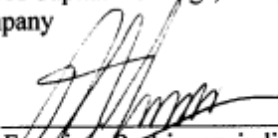
2. Affiant is the Manager of **ALFA Capital Holdings, LLC**, a Florida limited liability company (the "LLC").
3. The LLC is duly organized, validly existing, and in good standing under the laws of the state of Florida (at date of acquisition of the interest or lien on the insured property and at the present time, or at date of purchase and at date of sale). See Certificate of Good Standing attached hereto as Exhibit "A".
4. Affiant, nor any of the manager(s) or member(s) of the LLC, are debtors in bankruptcy and have not been a debtor in bankruptcy since acquiring title. The LLC is not a debtor in bankruptcy and has not been a debtor in bankruptcy since it has acquired title.
5. Affiant states that the LLC is a member managed company and Affiant is a member and manager of the LLC.
6. The LLC is not one of a family or group of entities.
7. Affiant, nor the LLC have become dissociated pursuant to Section 605.0302(11), Fla. Stat. (by filing a statement of dissociation), Sections 605.0212, 605.0601, or 605.0602, Fla. Stat., nor have Affiant or the LLC wrongfully caused dissolution of the LLC.
8. Affiant is authorized by a certificate of resolution to execute any instruments affecting the Property on behalf of the LLC. See Certificate of Resolution attached hereto as Exhibit "B".
9. Affiant states that there is no subsequent filing that limits or relinquishes his authority to bind the LLC.

OR BK 30881 PG 1784
LAST PAGE

11. Affiant states that there are no matters pending against the LLC that could give rise to a lien that would attach to the property between February 8, 2018 and the date thereof. The LLC has not and will not execute any instruments that would adversely affect the interest to be insured.
12. Under penalties of perjury, Affiant declares that Affiant has read the foregoing document and that the facts stated in it are true.
13. This affidavit is given for the purpose of clearing any possible question or objection to the title to the above referenced property and, for the purpose of inducing **Coral Gables Title & Escrow LLC** and **WFG National Title Insurance Company** to issue title insurance on the subject property, with the knowledge that said title companies are relying upon the statements set forth herein. Seller hereby holds **Coral Gables Title & Escrow LLC** and **WFG National Title Insurance Company** harmless and fully indemnifies same (including but not limited to attorneys' fees, whether suit be brought or not, and at trial and all appellate levels, and court costs and other litigation expenses) with respect to the matters set forth herein. "Affiant", "Seller" and "Buyer" include singular or plural as context so requires or admits. Seller further states that he/she is familiar with the nature of an oath and with the penalties as provided by the laws of the United States and the State of Florida for falsely swearing to statements made in an instrument of this nature. Seller further certifies that he/she has read, or heard read, the full facts of this Affidavit and understands its context.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

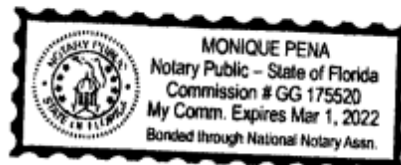
ALFA Capital Holdings, LLC, a Florida limited liability company


By: 
Francisco Rodriguez, individually and as manager
of ALFA Capital Holdings, LLC, a Florida limited
liability company

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged sworn to and subscribed before me this 27 day of February, 2018 by Francisco Rodriguez, individually and as manager of ALFA Capital Holdings, LLC, a Florida limited liability company, on behalf of the company. He ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]




Notary Public

Printed Name: _____

My Commission Expires: _____

Prepared by and return to:

Manuel L. Crespo, Esq.

Attorney at Law

Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado Attorneys at Law

201 Alhambra Circle Suite 1205

Coral Gables, FL 33134

305-377-1000

File Number: 10375-15S

Will Call No.:

Parcel Identification No. 02-3210-029-1550

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 13th day of **October, 2015** between **Alfa Capital Holdings, LLC, a Florida limited liability company** whose post office address is **4100 North Miami Avenue, 2nd Floor, Miami, FL 33127** of the County of **Miami-Dade, State of Florida**, grantor*, and **Brian S. Adler and Omar A. Suarez, a married couple** whose post office address is **55 SW 18th Terrace, Miami, FL 33129** of the County of **Miami-Dade, State of Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Miami-Dade County, Florida**, to-wit:

Condominium Unit No. 613 , of Arlen King Cole Condominium, a Condominium, according to the Declaration thereof, as recorded in Official Records Book 8565, Page 940, of the Public Records of Miami-Dade County, Florida.

Further subject to the above described Declaration of Condominium, which Grantee herein agrees to observe and perform. Together with all of the appurtenances to said condominium unit. See condominium certificate of approval attached.



Subject to taxes for 2015 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.


* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


 Witness Name: Manuel L. Crespo

 Witness Name: F. Whitaker

Alfa Capital Holdings, LLC, a Florida limited liability company

By: 
 Vincent Ghahremani, Manager

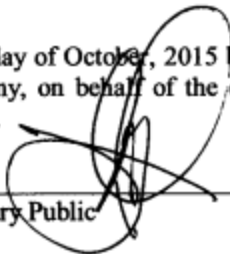
(Corporate Seal)

State of Florida
 County of Miami-Dade

The foregoing instrument was acknowledged before me this 13th day of October, 2015 by Vincent Ghahremani, Manager of Alfa Capital Holdings, LLC, a Florida limited liability company, on behalf of the corporation. He ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]




 Notary Public

Printed Name: _____

My Commission Expires: _____



King Cole Condominium

Executive Office

CERTIFICATION OF APPROVAL OF SALE

KING COLE CONDOMINIUM ASSOCIATION, INC., the Association of ARLEN KING COLE CONDOMINIUM, does hereby certify that the sale of

Condominium Parcel No.

Unit # 613

Valet Parking Only

in the ARLEN KING COLE CONDOMINIUM, according to the declaration of Condominium thereof, recorded January 16th, 1974, under Clerk's File No. 74R12656 of the Public Records of Dade County, Florida and the Amendments to said Declaration of Condominium recorded under Clerk's File Nos. 74R148973, 75R130198 and 75R153542.

By: Alfa Capital Holdings, LLC (Grantor(s))

To: Brian S. Alder and Omar A. Suarez (Grantee)

Has been approved by this Association

Dated this 6th day of October, 2015

KING COLE CONDOMINIUM ASSOCIATION, INC.

[Signature]

Witness

[Signature]

David L. Cohen, President

STATE OF FLORIDA)
)SS
COUNTY OF Miami-Dade)

BEFORE ME, the undersigned authority, personally appeared **David L. Cohen**, duly authorized and elected **President** of the KING COLE CONDOMINIUM, INC., who acknowledges that as **President** of said Corporation, we executed the above Certificate and the same is the act of and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the 8th day of October, 2015



NOTARY PUBLIC STATE OF FLORIDA

PRINT NAME: Gladies Romanello

SIGNATURE: *[Signature]*

EXP. DATE: Jan. 14, 2018



CFN 2015R0723085
OR BK 29851 Pgs 1535-1536 (2Pgs)
RECORDED 11/12/2015 12:47:21
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by and return to:

Manuel L. Crespo, Esq.

Attorney at Law

Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado Attorneys at Law

201 Alhambra Circle Suite 1205

Coral Gables, FL 33134

305-377-1000

File Number: 10015-14RT

Will Call No.:

[Space Above This Line For Recording Data]

Title Affidavit

(Refinance)

Before me, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned ("Affiant"), who, after being by me first duly sworn, depose(s) and say(s) that:

1. **Alfa Baypoint Holdings, LLC, a Florida limited liability company ("Borrower")**, is the owner of and is mortgaging the following described property to **London Financial Company, LLC ("Lender")**, to wit:

Lot 3, Block 2, of Bay Point, according to the Plat thereof, as recorded in Plat Book 40, Page 63, of the Public Records of Miami-Dade County, Florida.

Parcel Identification Number: 01-3129-008-0270

2. Attached hereto is an unaltered raised seal/true and correct copy of a survey of the subject property prepared by Fernando V. Gomez PSM 5259 dated 11-20-2014. To the best of Affiant's knowledge, information and belief, said survey accurately depicts the current status of the improvements to the subject property. Affiant hereby certifies that: (a) no improvements have been constructed on the subject property since the date of the survey; and (b) no improvements to adjoining land have been constructed that would encroach onto the subject property.
3. Affiant is a Manager of Alfa Baypoint Holdings, LLC (the Company) and has personal knowledge of the facts recited herein. Affiant is not a debtor in a bankruptcy or other debtor/creditor proceeding. All of the existing managers of the Company, and each said manager has ratified and approved the subject transaction. Affiant is authorized by the managers and the Operating Agreement to execute any and all documentation with respect thereto on behalf of the Company. The Company is a limited liability company duly formed and existing under the laws of the state of Florida and is in good standing under the laws of said state. The company has not been dissolved or otherwise terminated.
4. All recording references set forth herein are to the Public Records of **Miami-Dade County, Florida**, unless otherwise noted. "Affiant", "Borrower" and "Lender" include singular or plural as context so requires or admits. This affidavit is given for the purpose of clearing any possible question or objection to the title to the above referenced property and, for the purpose of inducing **Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado Attorneys at Law** and **Old Republic National Title Insurance Company** to issue title insurance on the subject property, with the knowledge that said title companies are relying upon the statements set forth herein. Borrower hereby holds **Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado Attorneys at Law** and **Old Republic National Title Insurance Company** harmless and fully indemnifies same (including but not limited to attorneys' fees, whether suit be brought or not, and at trial and all appellate levels, and court costs and other litigation expenses) with respect to the matters set forth herein.

OR BK 29851 PG 1536
LAST PAGE

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Alfa Baypoint Holdings, LLC, a Florida limited liability
company

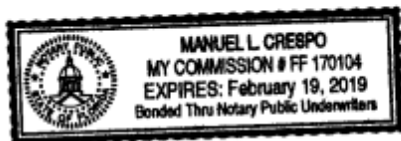
By: 
Vincent Ghahremani, Manager

(Corporate Seal)

State of Florida
County of Miami-Dade

The foregoing instrument was sworn to and subscribed before me this 9th day of November, 2014 by Vincent Ghahremani, Manager of Alfa Baypoint Holdings, Inc., on behalf of the corporation. He ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]




Notary Public

Printed Name: _____

My Commission Expires: _____



CFN 2015R0723083
OR BK 29851 Pgs 1530-1532 (3Pgs)
RECORDED 11/12/2015 12:47:21
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DOCUMENT COVER PAGE

For those documents not providing the **required** space on the first page, this cover page must be attached.

It must describe the document in sufficient detail to prohibit its transference to another document.

An additional recording fee for this page must be remitted.

(Space above this line reserved for recording office use)

Document Title:

(Mortgage, Deed, Construction Lien, Etc.)

Notice of Termination

Executing Party:

RTI Services

Legal Description:
(If Applicable)

4420 Bay Point Rd.

As more fully described in above described document.

Return Document To / Prepared By:

Manuel L. Crespo, Esq.
SMGQ Law
201 Alhambra Circle, Suite 4205
Coral Gables, FL 33134

**F.S. 695.26 Requirements for recording instruments affecting real property—
(Relevant excerpts of statute)**

(1) No instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of shall be recorded by the clerk of the circuit court unless:

(e) **A 3-inch by 3-inch space at the top right-hand corner on the first page** and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page are reserved for use by the clerk of the court...

NOTICE OF TERMINATION OF NOTICE OF COMMENCEMENT

PERMIT NO. _____

TAX FOLIO NO. 01-3219-008-0270STATE OF FLORIDA)
COUNT OF MIAMI-DADE)

THE UNDERSIGNED hereby gives notice that improvements were made to certain real property, and in accordance with Chapter 713, Florida Statutes, a Notice of Commencement was filed in the public records of Dade County, in Official Records Book 29623 at 2221 The Notice of Commencement contained the following information:

1. Legal description of property and street/address:

Lot 3, Block 2, of Bay Point, according to the Plat thereof, as recorded in Plat Book 40, Page 63, of the Public Records of Miami-Dade County, Florida.

2. Description of Improvement: Roofing

3. Owners name and address: Vincent Ghahremani, 4420 Baypoint Road, Miami FL 33137, manager of Alfa Baypoint Holdings, LLC 4100 N Miami Avenue Miami FL 33127

4. Interest in Property: Fee Simple
Name and address of fee simple title holder: Alfa Baypoint Holdings, LLC 4100 N Miami Avenue 33127

5. Contractor's Name and Address: RTI SERVICES INC. 12240 SW 128 Court Unit 104 Miami FL 33186

6. Surety: None.

7. Lender's name and address: N/A

8. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13 (1)(a)7, Florida Statutes.

Name and address: _____

9. In addition to himself, Owner designated the following persons to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(a)(b), Florida Statutes.

Name and address: _____

10. Expiration date of the Notice of Commencement is now changed to be the date of the filing of this Notice of Termination of Notice of Commencement. In addition pursuant to F. S. 713.132 the following information is provided.

- a. This Notice of Termination applies to all of the real property subject to the Notice of Commencement, as above described.
- b. All lienor's have been paid in full.
- c. The undersigned has given a copy of this notice before recording this Notice of Termination of Notice of Commencement on the contractor and on each lienor who has given notice.

OR BK 29851 PG 1532
LAST PAGE

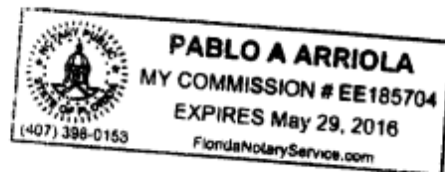
4420 ALFA BAYPOINT HOLDINGS, LLC

BY: V. Ghahremani Its: Manager
Vincent Ghahremani

The foregoing notice of termination of notice of commencement was executed and acknowledged before me this 4 day of November, 2015, by Vincent Ghahremani, as Manager of Alfa Baypoint Holdings, LLC, on behalf of the company, who is personally known to me or who showed _____ as identification, and who did take an oath.

Pablo A. Arriola
Notary Public, State of Florida
Name: _____
Commission No. _____

My commission expires:



Prepared by
Manuel L. Crespo, Esq.
Attorney at Law
Greenspoon Marder, P.A.
600 Brickell Ave. Suite 3600
Miami, FL 33131
305-789-2770
File Number: 43619.0002

Return to:
Luis de la Cruz, Esq.
De La Cruz & Cutler, LLP
4000 Ponce de Leon Blvd.
Suite 790
Coral Gables, FL 33134
File Number: 16-052

Parcel Identification No. 01-3219-008-0270

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Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 26th day of October, 2016 between Alfa Baypoint Holdings, LLC, a Florida limited liability company whose post office address is 253 NE 2nd St., Apt 1602, Miami, FL 33132 of the County of Miami-Dade, State of Florida, grantor*, and Hanpi Holdings LLC, a Florida limited liability company whose post office address is 4420 Bay Point Road, Miami, FL 33137 of the County of Miami-Dade, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Miami-Dade County, Florida**, to-wit:

Lot 3, Block 2 of BAY POINT, according to the Plat thereof, as recorded in Plat Book 40, at Page 63 of the Public Records of Miami-Dade County, Florida.

Subject to taxes for 2016 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.



Signed, sealed and delivered in our presence:

Witness Name: YILAN RIVERO
 Witness Name: Manuel Crapo

Alfa Baypoint Holdings, LLC, a Florida limited liability company

By: Francisco Rodriguez, Manager

(Corporate Seal)

State of Florida
 County of Miami-Dade

The foregoing instrument was acknowledged before me this 26th day of October, 2016 by Francisco Rodriguez, Manager of Alfa Baypoint Holdings, LLC, a Florida limited liability company, on behalf of the company. He/she ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name:

My Commission Expires



Yilan Rivero
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# GG020416
 Expires 8/13/2020

Prepared by
Manuel L. Crespo, Esq.
Attorney at Law
Greenspoon Marder, P.A.
600 Brickell Ave. Suite 3600
Miami, FL 33131
305-789-2770
File Number: 43619.0002

Return to:
Luis de la Cruz, Esq.
De La Cruz & Cutler, LLP
4000 Ponce de Leon Blvd.
Suite 790
Coral Gables, FL 33134
File Number: 16-052

Parcel Identification No. 01-3219-008-0270

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 26th day of October, 2016 between Alfa Baypoint Holdings, LLC, a Florida limited liability company whose post office address is 253 NE 2nd St., Apt 1602, Miami, FL 33132 of the County of Miami-Dade, State of Florida, grantor*, and Hanpi Holdings LLC, a Florida limited liability company whose post office address is 4420 Bay Point Road, Miami, FL 33137 of the County of Miami-Dade, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Miami-Dade County, Florida**, to-wit:

Lot 3, Block 2 of BAY POINT, according to the Plat thereof, as recorded in Plat Book 40, at Page 63 of the Public Records of Miami-Dade County, Florida.

Subject to taxes for 2016 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.



Signed, sealed and delivered in our presence:

Witness Name: YILAN RIVERO
 Witness Name: Manuel Crapo

Alfa Baypoint Holdings, LLC, a Florida limited liability company

By: Francisco Rodriguez, Manager

(Corporate Seal)

State of Florida
 County of Miami-Dade

The foregoing instrument was acknowledged before me this 26th day of October, 2016 by Francisco Rodriguez, Manager of Alfa Baypoint Holdings, LLC, a Florida limited liability company, on behalf of the company. He/she ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name:

My Commission Expires



Yilan Rivero
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# GG020416
 Expires 8/13/2020

From Vincent
Date 06/15/2012
Subject RE: Due dilligence Package Seychelles
To Oliver

Dear Oliver

I might need a business plan for our company in US

The goal is purchasing distressed properties in Florida and Miami area

I have already purchased around 7 myself with my own money

I am also looking for raise capital ,which I think I can achieve shortly

Attached is part of a business plan I was working on , and will finish it off shortly GHH is my company with a partner ,However I need to do a commercial business plan

I was going to ask KPMG to do it , However maybe you can assist .

Can you assist me with that,and what is the cost and etc

I might ask you for web site and etc as well

Vincent G

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Conference call : +1-424 2038075 / CODE :933044

From Vincent
Date 06/07/2012
Subject RE: ALFA CAPITAL DOCUMENTS NOTORIZED
To Oliver

WWW.AFXCAPITAL.COM

We just got our financial license in cyprus (CySEC) its equal to FSA in UK ,and registered it as financial institute in Cyprus
Do you remember when I asked you if you could do cyprus incorp ?
Anyway „The site explains it itself ,and you can see also videos of our team that we are sponsoring these days !
We are doing Binary option and Forex trading as you can see beside everything else
For now its not generating more than 500.000 USD a month „so its still very small ,But hopefully we will get to bigger numbers with time .
We are looking to open 8 More sites , Arabic ,Chinese ,Russian and if we can handle the payments in India , We will also target India

We also give White Labels now through both our Platform for Forex and Binary Option which allows broker to work under our license and use our CC
facility ,and use our umbrella if they are qualified

Let me know what you think of the site ?

its ALFA CAPITAL Logo and similar in name ...
We are targeting mostly Italy ,and France for now ,but other countries are coming when we have a team in place

Vincent G

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At ALFA CAPITAL GROUP, we care about the environment. Please do not print this e-mail unless you really need to.



Florida Tax Lien Investment Opportunity

By
GGH



Florida Tax Lien Market



- A **Tax Lien** is a government lien imposed on real property as a result of the property owner's failure to pay municipal property taxes when due
- In 2011, in excess of 800,000 Tax Lien Certificates were advertised for sale in the State of Florida just in the 53 internet counties representing a notional balance of over \$1.8 billion
- Florida has 67 counties, all of which hold annual auctions between mid-May to mid-June to sell the Certificates. Although there are many buyers of Tax Lien Certificates, in the past 20 years there have been only a small handful of institutional investors like:
 - Bank of America
 - JPMorgan Chase
 - Bank Atlantic
 - SunTrust Bank
 - Fortress Investment Group
- The supply of Tax Lien Certificates in Florida is expected to remain stable in 2012/3



Tax Lien Secondary Market



The Florida Tax Lien industry also has a secondary market where both Certificates and TDAs are sold:

- Due to the large number of Certificates that go to auction each year, many investors do not have the capacity to research each and every one, leaving some unsold at the primary auction
 - These unsold Certificates can be bid on directly from the County at the maximum statutory rate of 18% after the primary auction
 - GGH expects a larger notional amount of unsold Tax Lien Certificates in 2012 due to the current economic situation
- Additionally, there are investors who need to liquidate their Certificate portfolios to raise cash
 - These portfolios can usually be purchased for a discount to par, or are purchased just before conversion to TDA enabling the investor to earn the statutory rate of 18%
 - Historically, these portfolios tend to be smaller “mom and pop” portfolios but can still be lucrative investments



The Opportunity



- An investment in Florida Tax Lien Certificates represents an attractive risk-reward ratio with relatively strong liquidity
- **RETURNS ARE NOT TAXED FOR FOREIGN INVESTORS**, Cash on cash returns equate to an overall gross **IRR of 9-12%**; far greater leveraged returns are based upon the rates and percentages obtained by the debt of the investment structure
- Tax rates vary by municipality but range between 1.5-3.0% annually on the assessed value of the property and represent a 1st priority lien on the underlying real estate, senior to most other liens including mortgage liens and judgment liens
- Tax Lien Certificates earn interest at buyer's bid rate but under no circumstances earn less than a flat 5.0% interest over the face value of the Certificate
- Tax Liens have shown consistent historical redemption curves with approximately 40-50% of Tax Lien Certificates being redeemed within the first 30 weeks after the auction
- When Tax Deed Applications are filed (in April of the 2nd year after the certificate is purchased), the investor accrues simple interest at a rate of 1.5% per month, or 18% annually, increasing their overall IRR



What is a tax lien?

- A Tax Lien is a municipal government lien imposed on real property as a result of the property owner's failure to pay annual real property taxes when due.
- Tax Lien Certificates represent a 1st priority lien on the underlying real estate. Tax Liens are superior liens, jumping in front of charges and encumbrances on the related property (including mortgage liens and judgment liens).
- Historically, in Florida, approximately 15% of property owners allow their taxes to become delinquent.
- Tax liens are offered to the public via auction and are awarded to the bidder who will pay the face amount of the delinquent taxes and that is willing to accept the lowest rate of interest on that face amount (thereby benefiting the property owner).
- In 2008, the weighted average bid rate on GGH's portfolio was approximately 8.5%.
- When the Certificate is redeemed, the Tax Lien Holder receives the face value of that Certificate plus the greater of (i) the interest calculated using the bid rate and the number of months outstanding OR (ii) a flat 5% over the face amount.



- Historically, 55-70% of property holders will redeem within the first year after the auction creating significant current cash flow.
- Property taxes vary by municipality typically ranging from 1.5-3.0% of the property's annually assessed value.
- If the property owner has not “redeemed” the Tax Lien Certificate by April 1st of the second year from the date the lien was issued, the Certificate holder can file a Tax Deed Application (“TDA”) to have the clerk of courts sell the underlying property at auction.
- Once a TDA has been filed, the entire TDA amount (Certificate face value plus accrued interest to date and any additional expenses) begins accruing simple interest at 18% per annum, or 1.5% per month.
- The interest will continue to accrue on the TDA until it is redeemed by the property owner or the eventual sale of the property at a public auction. First proceeds paid out from this sale, by the clerk, are to the Tax Deed Applicant and include all principal and accrued interest.
- Public TDA auctions typically do not occur less than 6 months from the date the TDA is filed.

+ Why tax lien?

Low LTV

- Tax rates vary by municipality, but typically range between 1.5-3.0% of the annually assessed value on the property (representing collateral coverage well in excess of 30:1)

Attractive Returns

- Tax Certificates earn interest at the greater of the bid rate, or a flat 5% of the face value of the Certificate. Returns are enhanced by an 18% return on Certificates converted to Tax Deed Application **with 0% Tax levies**

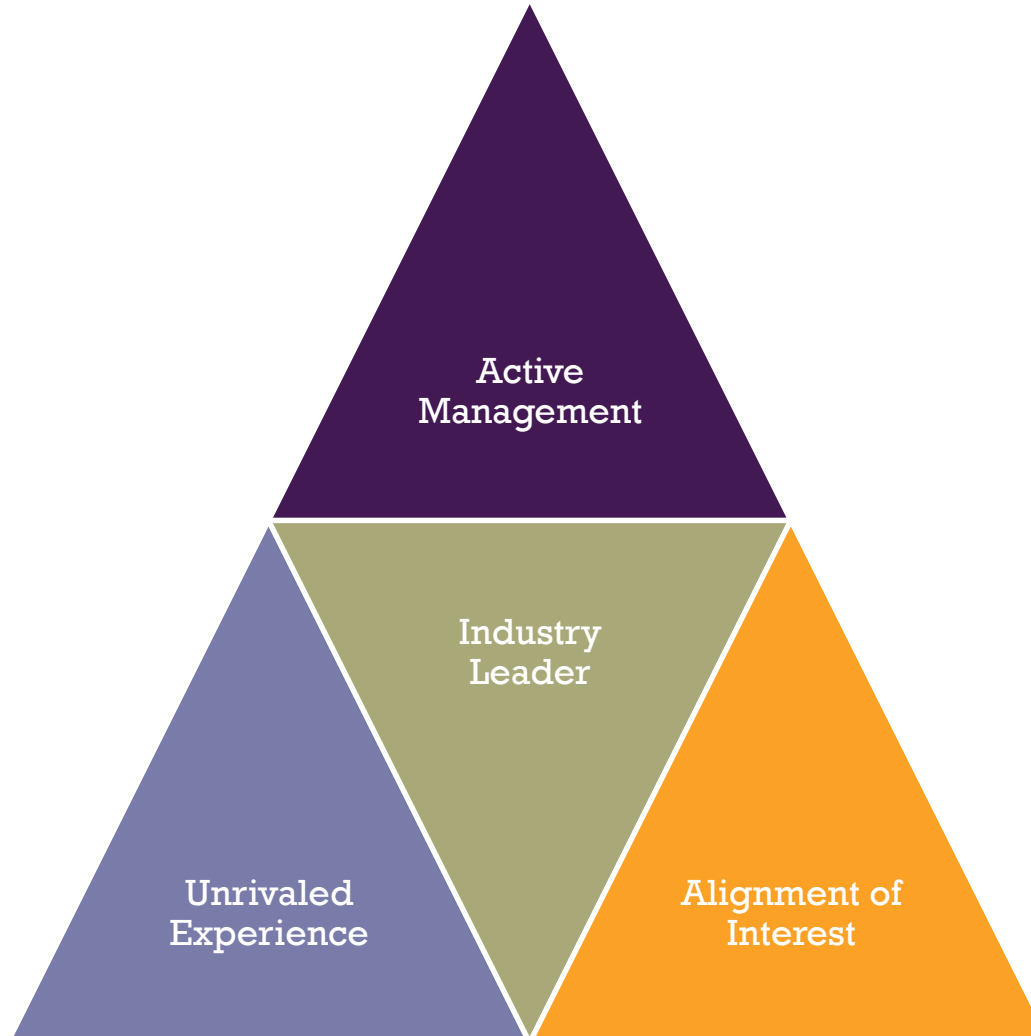
Reliable Liquidity

- Tax Liens have shown consistent historical redemption curves, with approximately 55-70% of Tax Lien Certificates being redeemed within the first year after the auction

Strong Credit Quality

- Tax Liens represent a 1st priority lien on the underlying real estate, Tax Liens are superior liens, jumping in front of charges and encumbrances including mortgage liens and judgment liens as established by Florida statute

+ Why us ?





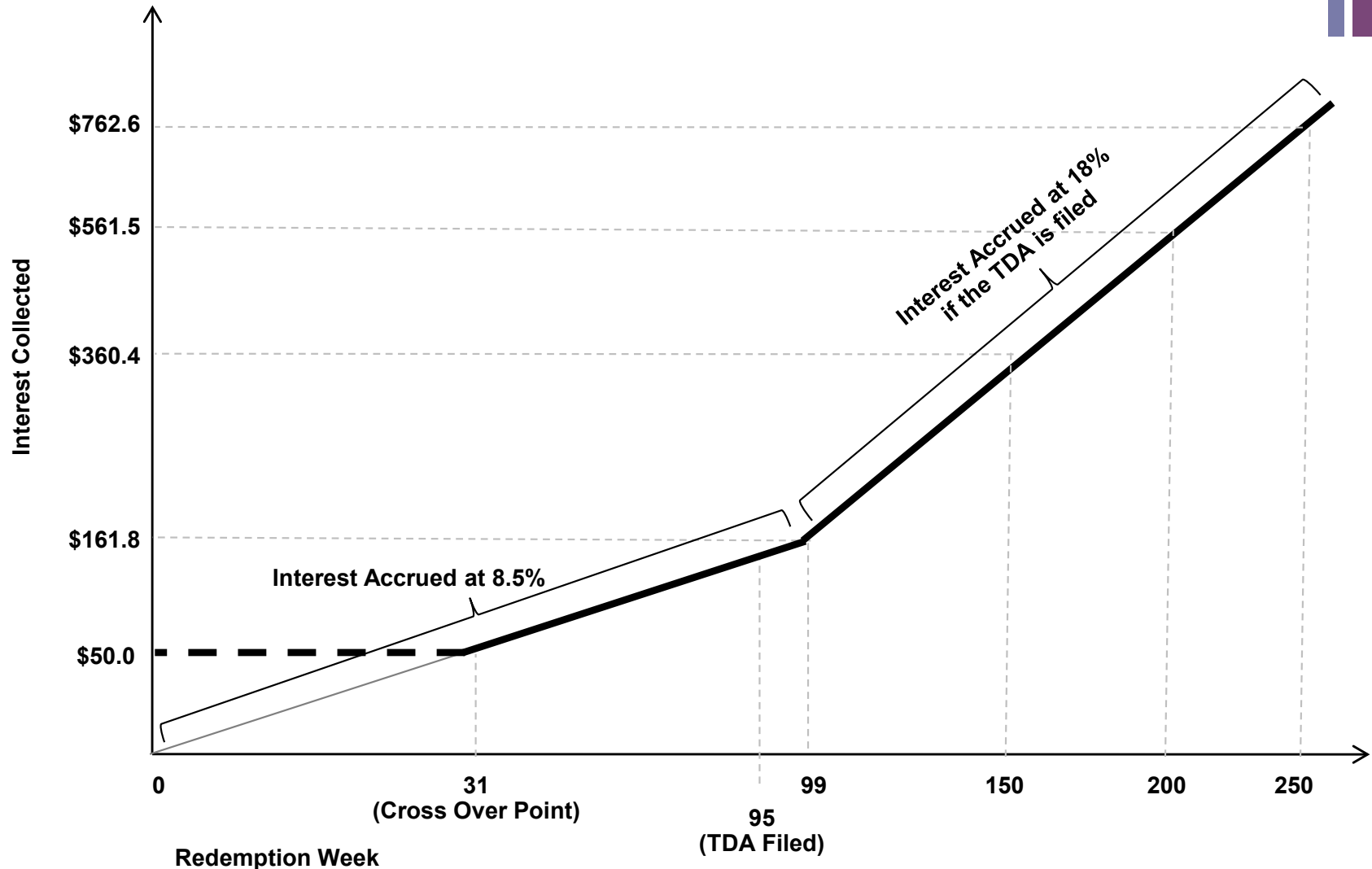
- **Industry Leader** – Over the past 15 years, GGH has been the largest institutional buyer of ad valorem tax liens in the State of Florida
- **Unrivalled Experience** – Jonathan Politano has been investing in Tax Liens in Florida since the mid 1980's and has purchased approximately \$3 billion in Tax Liens in that time. His systems give GGH the ability to analyze almost 1 million liens in a three week period for acquisition selection.
- **Active Management** – GGH manages its portfolio using its proprietary computer systems to track & tie all cash received against the underlying certificates and audit their outstanding certificates and TDAs with each county twice a year
- **Alignment of Interest** - GGH has traditionally structured each vintage so that it not only invests its own equity into the acquired portfolio but also so that a portion of its compensation is incentive based and received at the "back end" of the redemption curve





Interest Collected

Tax Lien Certificate Amount Purchased: \$1000; Bid Rate: 8.5%





Cash Flow

Given the short term nature of the use of funds with this investment, it is important to consider the investment based upon the annualized return for the amount of time the principle remains outstanding. The following information is based upon actual redemption curves from 2003-2008, and based upon an assumption that ALL certificates are purchased with a bid rate of .25%

Cumulative % Redeemed

	20 weeks	40 weeks	50 weeks	90 weeks
2003	36.267%	59.166%	68.918%	87.045%
2004	38.207%	59.117%	71.715%	87.382%
2005	41.031%	60.855%	71.730%	86.463%
2006	38.506%	59.117%	71.715%	82.949%
2007	35.088%	51.786%	63.742%	80.298%
2008	36.767%	55.895%	65.700%	82.486%

Weighted Average Annualized Return

	20 weeks	40 weeks	50 weeks	90 weeks
2003	35.586%	25.326%	22.553%	18.678%
2004	33.406%	24.778%	21.420%	18.294%
2005	31.340%	24.056%	21.268%	18.332%
2006	33.264%	25.327%	22.091%	19.002%
2007	35.447%	26.972%	22.973%	19.054%
2008	35.738%	26.642%	23.518%	19.520%